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Letter dated 27 January 2017 from the Panel of Experts on Yemen addressed to the President of the Security Council

The members of the Panel of Experts on Yemen have the honour to transmit herewith the final report of the Panel, prepared in accordance with paragraph 6 of resolution 2266 (2016).

The report was provided to the Security Council Committee established pursuant to resolution 2140 (2014) on 11 January 2017 and considered by the Committee on 27 January 2017.

We would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

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Coordinator
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Final report of the Panel of Experts on Yemen

Summary

The Panel of Experts on Yemen considers that, after nearly two years of conflict in Yemen, an outright military victory by any one side is no longer a realistic possibility in the near term. The country has fractured into competing power centres, with the Houthi-Saleh alliance controlling much of the northern highlands and the legitimate Government, backed by forces from Saudi Arabia and the United Arab Emirates, seeking to build capacity to administer parts of the south and the east. To date, the parties have not demonstrated sustained interest in or commitment to a political settlement or peace talks.

The Panel assesses that the Houthi and Saleh forces continue to operate as part of a military alliance, while maintaining separate lines of command and control at the operational level. The Panel has identified the increased use by the Houthis of battle-winning weapons, such as anti-tank guided missiles that were not in the pre-conflict Yemeni stockpile. These missiles are covertly shipped to the Houthi-Saleh alliance over land, along a new main supply route from the border with Oman. The Houthis have also continued to use short-range ballistic missiles and free-flight rockets against Saudi Arabian towns within 300 km of the border, to some political and propaganda effect.

The air campaign waged by the coalition led by Saudi Arabia, while devastating to Yemeni infrastructure and civilians, has failed to dent the political will of the Houthi-Saleh alliance to continue the conflict. Maritime attacks in the Red Sea in late 2016 have increased the risk of the conflict spreading regionally. The Houthi-Saleh alliance has demonstrated that it has an effective anti-ship capability, with one successful attack against a United Arab Emirates naval ship, and other attacks eliciting a cruise missile response by the United States Navy against Houthi land radar stations. There has also been a failed improvised explosive device attack by an as yet unidentified party against a large liquid nitrogen gas tanker heading north through the Bab al-Mandab strait.

Although the military front lines have remained largely the same, the near-constant clashes and casualties notwithstanding, the political landscape has shifted. The Panel has identified a tightening of the Houthi-Saleh political alliance, culminating in the establishment of a Sana'a-based supreme political council. On 28 November, this body announced a new 42-person government. The Panel believes this to be an attempt by the alliance to create "facts on the ground" by establishing a functioning, de facto government that will be difficult to uproot. It is, in effect, a new "bureaucratic" front to the conflict. Throughout 2016, the alliance has constantly undertaken acts that are exclusively within the authority of the legitimate Government.

The transfer of the Central Bank to Aden by the Government has effectively opened an "economic" front to the conflict, aimed at denying the Houthi-Saleh alliance the resources necessary to support continued hostilities or to administer the territory under its control. It has also significantly reduced the provision of material and services that are indispensable to the survival of civilians. The move may result in accelerating the impending humanitarian catastrophe in areas under the control of the alliance.

Terrorist groups such as Al-Qaida in the Arabian Peninsula (AQAP) and the Islamic State in Iraq and the Levant (ISIL) affiliate in Yemen are now actively exploiting the changing political environment and governance vacuums to recruit new members and stage new attacks and are laying the foundation for terrorist networks that may last for years. The Panel assesses that AQAP is pursuing a two-track strategy of seeking to control and administer territory in Yemen to serve as a base, while simultaneously looking to plot and execute attacks against the West. ISIL experienced a leadership restructuring early in 2016 and is looking to attract new recruits after a wave of defections in the first half of the year. The improvised explosive device threat from terrorist groups has also increased significantly, with the introduction of new technology and tactics into Yemen in 2016. It cannot be assumed that the use of this technology is now the preserve of a single group in the light of the movement of fighters and thus the exchange of technical knowledge between AQAP, ISIL, Houthi or Saleh forces and "resistance" forces affiliated to the President. Improvised explosive devices are also acting as a force multiplier for armed groups operating outside the control of the Government, reducing their current and future dependence on conventional weapons. This has all significantly increased the overall risk to civilians from explosive remnants of war.

The conflict has seen widespread violations of international humanitarian law by all parties to the conflict. The Panel has undertaken detailed investigations into some of these incidents and has sufficient grounds to believe that the coalition led by Saudi Arabia did not comply with international humanitarian law in at least 10 air strikes that targeted houses, markets, factories and a hospital. It is also highly likely that the Houthi and Saleh forces did not comply with international humanitarian law in at least three incidents when they fired explosive ordnance at a market, a house and a hospital.

There have also been widespread and systematic violations of international humanitarian law, international human rights law and human rights norms by officials and security forces affiliated to the Government and to the Houthis. The Panel has investigated cases of forced displacement of civilians and concludes that there are indications of a governorate-level policy, with clear violations by the Government in Aden and Lahij. The Panel has concluded that the Houthis, as well as Hadrami Elite Forces aligned with the Government and the United Arab Emirates, have violated international humanitarian law and human rights law and norms on at least 12 and 6 occasions, respectively, by forcibly disappearing individuals. The Houthi security forces in particular routinely use torture and commit international humanitarian law violations and human rights abuses relating to deprivation of liberty. The Panel also documented many cases of violations against hospitals, medical staff, children and religious minorities. It concludes that the violations by the Houthi-Saleh alliance are sufficiently routine, widespread and systematic to implicate its top leadership.

All parties to the conflict have obstructed the distribution of humanitarian assistance within Yemen. The methods of obstruction vary, including the denial of movement, threats to humanitarian staff and the placing of conditions that seek to influence where and how aid is distributed.

The Panel continued its investigations into the financial networks of designated individuals and has identified that Khaled Ali Abdullah Saleh has a significant role in the management of financial assets on behalf of listed individuals Ali Abdullah Saleh (YEi.003) and Ahmed Ali Abdullah Saleh (YEi.005). The Panel has identified suspicious transfers of significant funds during the period 2014-2016, involving six companies and five banks in five countries, that certainly fall well outside the normal fund management practices of high-wealth individuals. The Panel has also identified a company named Raydan Investments and accounts used by Khaled Ali Abdullah Saleh to launder $83,953,782 within a three-week period in December 2014.

The financial activities, in terms of regional black market arms trafficking, of Fares Mohammed Mana'a (SOi.008) have also come to the attention of the Panel, in particular since he was appointed as minister of state in the new Sana'a-based government of 28 November and has known connections to both Ali Abdullah Saleh (YEi.003) and the Houthis. He is freely travelling on a Yemeni diplomatic passport, including within the Schengen area. This case is just one illustration of how opportunistic businesspeople and criminal entities are benefiting from the conflict using governmental privileges and immunities. It is in their vested interest to use their influence to undermine any prospect for peaceful settlement.

Only the continuation and effective implementation of the targeted sanctions regime will deter such individuals and their supporters from participating in acts that threaten the peace and security of Yemen. If well implemented, delisting within the sanctions regime could offer incentives for those who are willing to engage constructively for a better Yemen.

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* The annexes are being circulated in the language of submission only and without formal editing.

I. Introduction and background

A. Mandate and appointment

1. By its resolution 2266 (2016), the Security Council renewed the sanctions measures in relation to Yemen and extended the mandate of the Panel on Experts on Yemen until 27 March 2017.[1] The Panel has the following mandate:

(a) To assist the Security Council Committee established pursuant to resolution 2140 (2014) in carrying out its mandate as specified in resolutions 2140 (2014) and 2216 (2015), including by providing it at any time with information relevant to the potential designation at a later stage of individuals and entities who may be engaging in acts that threaten the peace, security or stability of Yemen, as defined in paragraph 18 of resolution 2140 (2014) and paragraph 19 of resolution 2216 (2015);

(b) To gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the sanctions measures and targeted arms embargo, in particular incidents of undermining the political transition;

(c) To provide a midterm update to the Committee no later than 27 July 2016, and a final report no later than 27 January 2017 to the Security Council, after discussion with the Committee;

(d) To assist the Committee in refining and updating information on the list of individuals subject to sanctions measures, including through the provision of identifying information and additional information for the publicly available narrative summary of reasons for listing;

(e) To cooperate with other relevant expert groups established by the Security Council, in particular the Analytical Support and Sanctions Monitoring Team.

2. On 5 August, the Panel presented a midterm update to the Committee, in accordance with paragraph 6 of resolution 2266 (2016). An additional update, containing a preliminary analysis of the attack against the Salah al-Kubra community hall in Sana'a on 8 October, was provided to the Committee on 17 October.

3. The present report covers 2016. The Panel has also continued to investigate outstanding issues covered in its previous final report (S/2016/73).

B. Methodology

4. In its investigations, the Panel complied with paragraph 11 of resolution 2266 (2016), which pertains to the best practices and methods recommended by the Informal Working Group of the Security Council on General Issues of Sanctions (see S/2006/997), and has maintained the highest achievable standard of proof, even

[1] The finance expert, Farhan Hyder Sahito, resigned on 7 December 2016 to pursue an alternative professional opportunity; his work is included herein.

though it was unable to travel to Yemen. Emphasis has been placed on adherence to standards regarding transparency and sources, documentary evidence, corroboration of independent verifiable sources and providing the opportunity to reply.[2] The Panel has maintained transparency, objectivity, impartiality and independence in its investigations and based its findings on a balance of verifiable evidence.

5. The Panel used satellite imagery of Yemen procured by the United Nations from private providers to support investigations. It also used commercial databases recording maritime and aviation data and mobile phone records. Public statements by officials through their official media channels were accepted as factual unless contrary facts were established. While it has been as transparent as possible, in situations in which identifying sources would have exposed them or others to unacceptable safety risks, the Panel decided not to include identifying information in the present report and instead placed the relevant evidence in United Nations archives.

6. The Panel reviewed social media, but no information gathered was used as evidence unless it could be corroborated using multiple independent or technical sources, including eyewitnesses, to appropriately meet the highest achievable standard of proof.

7. The spelling of toponyms within Yemen often depends on the ethnicity of the source or the quality of transliteration. The Panel has adopted a consistent approach in the present report.

C. Programme of work

8. During its investigations, Panel members travelled to Bahrain, Colombia, Djibouti, France, Jordan, Lebanon, Saudi Arabia, Switzerland, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Saudi Arabia facilitated visits along the border with Yemen at Khamis Mushayt, at Khubah in Jazan and at Najran, allowing the Panel to inspect remnants of munitions fired by the Houthis to assist in identifying potential violations of the arms embargo. The Panel requested official visits to Oman and areas of Yemen under the control of the legitimate Government, in Ma'rib, and of the Houthis, in Sana'a, but the requests have not yet been approved. For more than 70 per cent of the time at least one expert was travelling for investigative purposes.

D. Cooperation with stakeholders and organizations

1. United Nations system

9. The Panel highlights the excellent level of cooperation with the Office of the Special Envoy of the Secretary-General for Yemen and the United Nations resident coordinators/humanitarian coordinators in Yemen and neighbouring States visited by the Panel. The United Nations country team and United Nations agencies with a regional mandate remain supportive of the Panel's work. The Panel has consistently

[2] See annex 1 for details of the opportunity to reply methodology and annex 2 for details of the international humanitarian law investigative methodology.

had direct access to country team officials in Sana'a and the wider region to exchange information and expertise.

10. The Panel has maintained close cooperation with the Analytical Support and Sanctions Monitoring Team and the Monitoring Group on Somalia and Eritrea.

2. Communications with Member States and organizations

11. The Panel has sent 166 letters to Member States and entities requesting information on specific issues relevant to its mandate. Such requests do not necessarily imply that these Governments, or individuals or entities in those States, have been violating the sanctions regime. The Panel notes, however, that only 57 per cent of requests to Member States for information have thus far resulted in a response. At the time of submission of the present report, replies were awaited from Australia, the Bahamas, Bahrain, the Democratic People's Republic of Korea, Djibouti, France, Hungary, Iran (Islamic Republic of), Jordan, Kuwait, the Netherlands, Oman, Qatar, Romania, Saudi Arabia, the Sudan, Switzerland, the United Arab Emirates, the United Kingdom, the United States and Yemen. The Sana'a-based ministry of foreign affairs under the control of the Houthis[3] and several other entities also have yet to reply. A summary of correspondence is provided in annex 4.

3. Government of Yemen

12. The Panel met the President of Yemen, Abdrabuh Mansour Hadi Mansour, the Vice-President, Ali Muhsin al-Ahmar, and other officials of the legitimate Government in Riyadh in October. Although they expressed their full support for the Panel, the information that they provided regarding arms and finance in relation to the Houthis did not meet the required evidentiary standards nor contain sufficient detail to allow the Panel to verify the information using other means and sources.

4. Houthi-Saleh alliance

13. The Panel regrets to report that, its four requests dated 1 March, 3 June, 19 September and 12 October notwithstanding, the Houthis, who have effective control of the airport in Sana'a, have continued to deny entry to the Panel. The Panel has maintained telephone contact with Ansar Allah and General People's Congress (GPC) political leaders and met some of them during visits to countries neighbouring Yemen.

[3] To avoid confusion between the legitimate Government and Houthi-Saleh alliance authorities and appointments and to easily distinguish between the two, in the present report, for ministries and officials of the legitimate Government the Panel will use capitalization. For example, Minister of Defence and Ministry of Defence. The Houthi duplicate administration would then be referred to as the "Sana'a-based minister of defence" and the "Sana'a-based ministry of defence".

II. Acts that threaten peace, security and stability

A. Challenges to the authority of the legitimate Government

14. In paragraph 18 (a) of its resolution 2140 (2014), the Security Council determined that obstructing or undermining the successful completion of the political transition, as outlined in the Gulf Cooperation Council initiative and implementation mechanism agreement, posed a threat to the peace, security or stability of Yemen and that those undertaking such acts might fall within the designation criterion. In paragraph 1 of its resolution 2216 (2015), the Council demanded that all Yemeni parties, in particular the Houthis, fully implement resolution 2201 (2015) and refrain from further unilateral actions that could undermine the political transition and also demanded that the Houthis immediately and unconditionally cease all actions that were exclusively within the authority of the legitimate Government.

15. The initial control exerted by the Houthis over the State apparatus was further consolidated in 2016, in particular with the formalization of the Houthi-Saleh political alliance in August. Together, they continue to undertake acts that are exclusively within the authority of the legitimate Government.

16. The Houthis have continued to control the capital and municipality of Sana'a and 13 of the 21 governorates. This represents 27 per cent of the surface area of Yemen and comprised more than 80 per cent of the total population before the conflict. The Houthis control all or most of the governorates of Amran, Dhamar, Hajjah, Hudaydah, Ibb, Mahwit, Raymah and Sa'dah, in addition to the municipality of Sana'a. In addition, they control significant portions of Bayda' and Jawf and remain active in Ta'izz.

1. Control of the State by the Houthis (January-August)

17. Until August, the Houthis exercised de facto control over central government institutions in Sana'a and local government in other areas under their control through the supreme revolutionary committee, headed by Muhammad Ali al-Houthi, a relative of Abdulmalik al-Houthi (YEi.004).

18. During that period, the Houthis maintained the administrative structure of a functioning authority with public offices and services. This was supervised under the close control of Houthi delegates, and their committees, within an executive structure, comprising an acting 33-member government council headed by the acting prime minister, Talal Aqlan (see annex 5). The Houthis also controlled the Central Bank until September, when the President appointed a new governor and ordered the transfer of the Bank to Aden.

19. The Houthis also maintained a solid grip over the intelligence and security agencies, effectively preventing any attempts to challenge their authority through a supreme security committee (see annex 6). The Panel has identified that Abdulrabb Saleh Ahmed Jarfan, also known as Abu Taha (see figure I), has emerged as the highest Houthi authority in charge of the intelligence services. Since early 2015, he has acted as the head of the national security bureau and has significant influence over all other Yemeni intelligence and investigation services under the control of the

Houthis involved in allegations of violations of international humanitarian law (see annex 7).[4]

Figure I
Abdulrabb Saleh Ahmed Jarfan, head of Houthi intelligence services

Source: Euronews, 20 August 2016.
Note: left to right: Abdulrabb Saleh Ahmed Jarfan, Talal Aqlan and Saleh Ali Muhammad al-Samad.

2. Control of the State by the Houthi-Saleh political alliance (August-December)

20. On 28 July, Ali Abdullah Saleh (YEi.003) agreed to a power-sharing agreement with Abdulmalik al-Houthi (YEi.004). A Sana'a-based 10-member supreme political council,[5] with five members each nominated by Saleh and the Houthis, was established on the same day (see annex 8), and issued its first "governmental" decree. It has since acted as a de facto government, appointing governors and officials.[6] Headed by Saleh Ali Muhammad al-Samad, it replaced the Supreme Revolutionary Council, which has yet to be disbanded.[7]

[4] The Yemeni intelligence and security services also include the Political Security Organization and the Central Security Forces (also known as the Special Security Force). See www.globalsecurity.org/intell/world/yemen/index.html. All hyperlinks in the present report were checked on 1 January 2017, unless otherwise stated.

[5] The agreement was signed by Sadiq Amin Abu Ras on behalf of Ali Abdullah Saleh (YEi.003) and by Saleh Ali Muhammad al-Samad on behalf of Abdulmalik al-Houthi (YEi.004).

[6] Parliament, which is now seven years past its next scheduled elections, later ratified the supreme political council. Of the 301-seat Parliament, 26 members have since died, leaving 275 members, of whom 142 attended the session and ratified the council. For membership of the financial advisory committee, the media advisory committee and the political advisory committee, see annex 6.

[7] The Supreme Revolutionary Council still exists, although it is unclear what power it continues to hold and many of its members have taken on other positions, either in the Sana'a-based supreme political council and/or as members of the Sana'a-based government of 28 November. Its head, Mohamed Ali al-Houthi, continues to keep his title and to remain active in official activities. See the statement attributed to the Council on 5 December, available from www.almasirah.net/details.php?cs_id=833&cat_id=3.

21. On 28 November, the supreme political council announced a 42-person government under Abdel-Aziz bin Habtour,[8] an active GPC member affiliated to Ali Abdullah Saleh (YEi.003) (see annex 9). The Panel considers this to be an attempt by the Houthi-Saleh alliance to create "facts on the ground", establishing a de facto government that will be difficult to uproot in order to resume a peaceful political transition. The Panel noted that the Sana'a-based cabinet does not include the most influential members of the Houthis and GPC and believes that the alliance is likely to use this cabinet to ensure a stronger bargaining position in any future peace negotiations.

3. Interaction by the Houthi-Saleh alliance with the international community

22. With regard to international relations, the Houthis have established or continued diplomatic contact with those Member States that have maintained their diplomatic representations in Sana'a, including Iran (Islamic Republic of), the Russian Federation and the Syrian Arab Republic. In the absence of other diplomatic representations,[9] both the Houthis and Ali Abdullah Saleh (YEi.003) have used the presence of their delegations in Oman to interact with representatives of other countries. Mohamed Abdusalam Salah Fletah, as the lead negotiator, has gradually become the public face of the Houthis within the international community.[10] Nevertheless, the Panel assesses that an individual close to Abdulmalik al-Houthi (YEi.004), Mahdi Mohammed Hussein al-Mashaat,[11] makes the decisions during the negotiations (see annex 10).

23. Most Yemeni diplomatic representations abroad remain affiliated with the legitimate Government, apart from those in the Islamic Republic of Iran[12] and the Syrian Arab Republic. In the latter, the Houthis made their first diplomatic appointment on 7 March, naming Naif Ahmed Hamid al-Qanes as ambassador.[13]

B. Impediments to the cessation of hostilities and to the resumption of the political process

24. No real progress towards a peaceful settlement was made during the reporting period.

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[8] He had previously served as Governor of Aden, appointed by the current President.

[9] Most international representations closed between January 2015, when the Houthis took control of Sana'a, and 26 March 2015, when Operation Decisive Storm began.

[10] He is assisted in this by Hamza al-Houthi, who has some links to Abdulmalik al-Houthi (YEi.004).

[11] According to confidential well-informed sources, he has headed the Houthi negotiating team for more than two years. He has direct access to Abdulmalik al-Houthi (YEi.004), who operates behind the scenes. He has been described by many confidential sources as an impulsive hardliner.

[12] Yemeni diplomats informed the Panel that in September 2015 the legitimate Government recalled its ambassador. Thereafter, other diplomats in the embassy aligned themselves with the Houthis.

[13] Supreme Revolutionary Council decree No. 89. See "SRC appoints ambassador to Syria", Yemen News Agency, 7 March 2016, available from http://sabanews.net/en/news421619.htm. A Yemeni diplomat informed the Panel that, because of non-conformity with his credentials process, which required presidential authority, the Syrian Arab Republic had accepted the nominee only as chargé d'affaires.

25. The peace talks in Kuwait that opened on 21 April offered an initial opportunity to reach arrangements for the cessation of hostilities, which would have created an environment more conducive to a potential political transition. Throughout the talks, which ended on 6 August, there were regular breaches of the cessation of hostilities agreed to among the Yemeni parties and between the Houthis and Saudi Arabia bilaterally. They included four Houthi launches of free-flight rockets against Saudi Arabian territory; continued military operations by Houthi and Saleh forces and forces affiliated with the Government in Ta'izz and on the front line in Nihm; and air strikes by the coalition led by Saudi Arabia. Occasionally, the breaches were used as a pretext by one of the parties to suspend its participation in, or threaten to withdraw from, the talks.[14]

26. There was some progress in improving coordination mechanisms for the cessation of hostilities through an agreement to establish a de-escalation and coordination cell in Dhahran al-Janub, Saudi Arabia, comprising officers from the Government and the Houthi-Saleh alliance. As the talks stalled, however, the lack of trust prevented progress.[15] The support of the United Nations and the international community notwithstanding, the cell could not operate owing to the Houthis' refusal to deploy their officers. The Houthis subsequently shelled the cell's location.[16]

C. Security and regional dynamics

1. Areas under the control of forces allied to the legitimate Government

27. The legitimate Government continues to face significant challenges in developing a safe and secure environment and ensuring the delivery of public services in the areas that it controls. The President spent much of the reporting period in Riyadh, returning to Aden on 26 November.[17] The Vice-President, Ali Mohsen, limited his travel inside Yemen to Ma'rib. The Prime Minister, Ahmed Obaid Mubarek Bin-Dagher, was deployed earlier to Aden on 6 June and then made short visits to Ma'rib, Mukalla and Socotra. The presence of officials of northern origin in Aden and the movement of all members of the Government in Aden remain restricted for security reasons.

28. The Panel has investigated some of these local officials and military commanders for their potential involvement in acts that threaten the peace, security or stability of Yemen. These acts range from attempts to jeopardize the country's

[14] On 1 May, the delegation of the legitimate Government suspended its participation in the direct talks, claiming that Houthi and Saleh forces had plundered the 29th Mechanized Infantry Brigade in Harf Sufyan, Amran. Similarly, the head of the Houthi delegation to the talks complained that the air strikes by the coalition were jeopardizing the talks. See https://twitter.com/abdusalamsalah.

[15] On 26 May, the Panel visited Khubah, near Jazan, Saudi Arabia, less than 5 km from the Yemeni border, and observed the fragility of the cessation of hostilities, given that sporadic firing could be heard. The village has been evacuated owing to previous fighting.

[16] The Houthis committed themselves to reactivating the cell and to deploying members to Dhahran al-Janub after meeting the United States Secretary of State, John Kerry, in Oman on 17 November. The cessation of hostilities has not yet materialized. See https://twitter.com/OSESGY/status/800051770022051840?lang=en.

[17] He left Aden for Riyadh on 13 February. He returned to Ma'rib for a one-day visit on 19 July. He next visited Aden on 26 August. He returned to Aden on 26 November where he has since remained, except for a visit to the United Arab Emirates on 3 and 4 December.

unity and territorial integrity, through violations of international humanitarian law and international human rights law, to allegations of support for terrorist organizations.

2. Involvement of the coalition forces

29. There was no change to the political composition of the coalition led by Saudi Arabia in 2016.[18] The military composition, however, did change. In a letter dated 13 July, Morocco informed the Committee and the Panel that, as from 22 January, it had ceased operating air assets in support of the Government. In a letter dated 18 July, Egypt informed the Panel that it was contributing naval forces to secure navigation through the Bab al-Mandab strait. On 22 August, the President of Egypt, Abdel Fattah Al Sisi, confirmed, during a press conference, the presence of air force elements in Saudi Arabia but denied the presence of ground troops in that region other than for peacekeeping missions.[19]

30. At the operational level, the Panel considers that coalition military activities are conducted under the control of Saudi Arabia and the United Arab Emirates (see map in annex 11), as follows:

(a) Air operations in Yemen are under the operational control of a joint headquarters led by Saudi Arabia and based in Riyadh, with a targeting and control cell for the targeting and tasking processes. Officers are present from the coalition member States, less Morocco and Senegal;[20]

(b) Ground operations in Ma'rib are under the operational control of Saudi Arabia;

(c) Ground operations in Aden and in the vicinity of Mukalla are under the operational control of the United Arab Emirates;

(d) Ground operations in the Ta'izz area are under a loose operational control of the Yemeni military;

(e) Naval operations are under national command.

31. The coalition significantly reduced the rate of its air operations in Yemen during the period of cessation of hostilities from 10 March to 6 August.[21]

32. After the collapse of the talks in Kuwait on 6 August, the coalition increased the scope and tempo of its air operations, which also resulted in the air strike on a funeral hall in Sana'a on 8 October (see para. 121). The coalition has imposed additional restrictions on commercial flights to Sana'a, with the cancellation in August of Yemenia Airways flights, which used to land at the international airport after inspection in Bishah, Saudi Arabia. The coalition refused to allow Omani

[18] The Panel assesses that Saudi Arabia is leading the coalition comprising four States members of the Gulf Cooperation Council (Bahrain, Kuwait, Qatar and the United Arab Emirates) and four States members of the League of Arab States (Egypt, Jordan, Morocco and the Sudan).

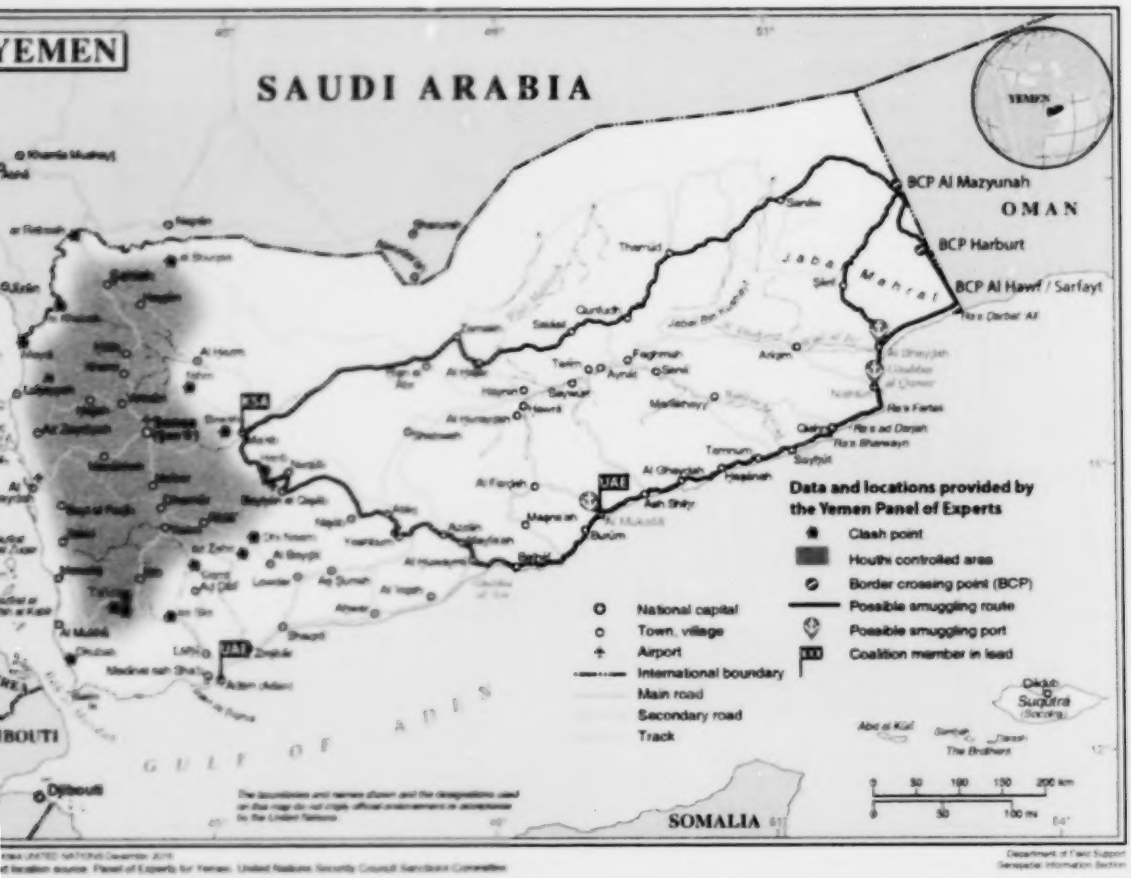
[19] See http://www.ahram.org.eg/News/192000/25/News/192000/25/547049 الأمين العام: حضرى مسئوليه ولا أحد غير حب الوطن وراء تحركات مصر.aspx.

[20] United States officers are present to support logistical and intelligence activities. The Chief of Joint Operations of Operation Restoring Hope, led by Saudi Arabia, told the Panel that officers from France, Malaysia and the United Kingdom were also present at the joint headquarters.

[21] The cessation of border hostilities between the Houthis and Saudi Arabia began on 10 March. The United Nations-sponsored cessation of hostilities began on 10 April.

State-owned aircraft to transport political delegations between Oman and Sana'a. Consequently, the Houthi delegation participating in the talks in Kuwait was stranded in Oman for more than two months. It returned on 15 October on an Omani aircraft whose access was exceptionally allowed in order to transport victims of the air strike on the funeral hall.

1
Conflict areas as at 31 December 2016



3. Maritime attacks in the Bab al-Mandab strait and the Red Sea

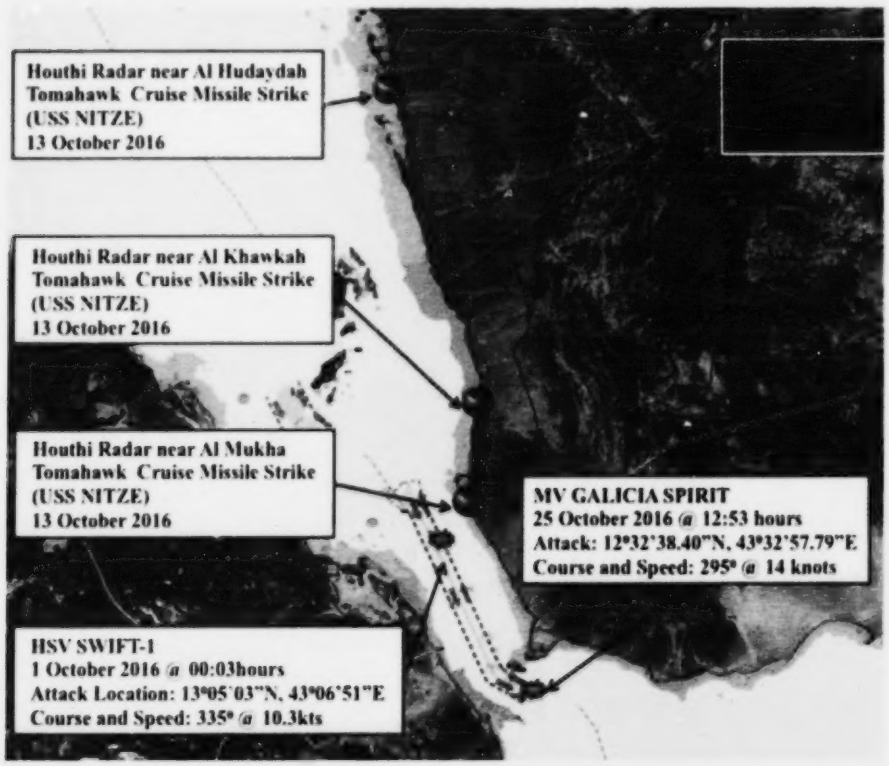
33. The launch of anti-ship missiles by Houthi or Saleh forces against the *SWIFT-1*, a vessel flying the flag of the United Arab Emirates, on 1 October and the USS *Mason* on 9 and 12 October, reported radar locks from the Yemeni coast against coalition vessels,[22] the destruction by the United States Navy of three Yemeni coastal radar sites in Houthi-controlled territory by cruise missiles on 13 October

[22] Maritime Asset Security and Training, Intelligence Report, No. 49, 2 November 2016. Available from www.mast-security.com.

and a maritime attack by unidentified forces against the Spanish-flagged MV *Galicia Spirit* on 25 October marked a significant escalation in the conflict at sea (see map 2).

34. The Panel considers attacks using anti-ship missiles to be a threat to the peace and security of Yemen, given that such attacks in the Bab al-Mandab strait and the Red Sea area may affect the security of maritime navigation and commercial shipping, thereby jeopardizing the delivery of humanitarian assistance to Yemen by sea, in violation of paragraph 19 of resolution 2216 (2015). More than 8 per cent of all global maritime trade uses this route to the Suez Canal.[23]

Map 2
Maritime attacks



Attack on the SWIFT-1

35. The *SWIFT-1* was operating in direct support of military operations by the United Arab Emirates in Yemen, making regular deliveries of supplies, troops and equipment from Assab, Eritrea, to Aden.[24] It was not engaged in the routine delivery of humanitarian aid. The vessel was a legitimate military objective under

[23] "Q&A: Suez Canal", *Guardian*, 1 February 2011. Available from www.theguardian.com/business/2011/feb/01/suez-canal-egypy-q-and-a.

[24] For details of United Arab Emirates military operations based in Assab, see S/2016/920, paras. 31-35.

international humanitarian law. Fires caused by the burning propellant from the rocket motor of an anti-ship missile seriously damaged the vessel. The warhead failed to detonate on impact and passed through the vessel. Further information is provided in annex 13.

36. Neutral civilian vessels remain at risk of attack in the event of targeting errors stemming from system failures or misidentification during the hours of darkness. The Houthi-Saleh alliance has demonstrated a technological capability to attack a large vessel in the Red Sea. That will, however, last only as long as the alliance has access to old Yemeni naval stocks of missiles supplied before the arms embargo, and as long as the arms embargo is effective in ensuring that there is no resupply of anti-ship missiles to the alliance.

Improvised explosive device attack against the MV Galicia Spirit

37. The maritime attack against the liquid natural gas tanker, MV *Galicia Spirit*, on 25 October demonstrates the vulnerability of commercial shipping to small vessel attacks while close to the coast of Yemen. A determined attempt was made to board the vessel using an improvised explosive device of approximately 20-70 kg of high explosive. The attempt failed only because of the premature and accidental initiation of the device. That the assaulting group possessed a device of significant size and was determined to close with and board the vessel demonstrates a new tactic.

38. The location of the attack, the tactics and equipment and the type of improvised explosive device all provide indicators as to the perpetrators. The Panel continues to investigate and has also passed all relevant information to the Analytical Support and Sanctions Monitoring Team for its information. The Panel considers that the attack was designed more for an "international spectacular" than as part of the Yemeni conflict. The Panel also considers that this attack was not specifically targeted against the MV *Galicia Spirit* and that the vessel was simply a target of opportunity; any similar vessel in the area heading north at that time would have been just as likely to have been attacked. Further information is provided in annex 14.

III. Armed groups and military units

39. Pursuant to paragraph 17 of resolution 2140 (2014) and as reiterated in resolutions 2216 (2015) and 2266 (2016), the Panel continues to investigate individuals and entities associated with armed groups who may be engaging in or providing support for acts that threaten the peace, security or stability of Yemen.

A. Yemeni military

40. The Yemeni military remains deeply divided. Allegiance to the central State, historically weak, has virtually disappeared. Allegiance is now to various groups, many of which purport to be either the State or an alternative governing authority. The Panel assesses Yemen to be in danger of fracturing beyond the point of no return. Since the beginning of Operation Decisive Storm, led by Saudi Arabia, on 26 March 2015, several military units have defected to either the Houthis or to join

the former President, Ali Abdullah Saleh (YEi.003). Those units that remain loyal to the current President are often operating at less than full strength. No entity in Yemen has a monopoly on power or the use of force. This has resulted in a messy and chaotic conflict between broken brigades and battalions in which no one side has been able to impose its will on the other.

41. In practice, this means that, just as on the political front in which both sides make appointments to the same position, there are "duplicate" military units operating in Yemen: legitimate units loyal to the current President and "shadow" units loyal to the Houthis or the former President. For example, in Ta'izz there are two 35th Armoured Brigades, one loyal to the legitimate Government and one operating under the control of the former President. Both claim to be the "true" unit and both continue to use the name;[25] such duplicate units are common throughout Yemen.[26] There has also been the creation of new military bodies, such as the Security Belt Forces early in 2016,[27] which are active throughout southern Yemen, the Hadrami Elite Forces based in Hadramawt and various militia groups, which, while affiliated with the legitimate Government, operate largely outside its control. Instead of one large war, in which various military units work towards a common, overarching goal, the conflict in Yemen comprises several smaller wars with local commanders pursing their own agendas.

B. Saleh network

42. The former President, Ali Abdullah Saleh (YEi.003), continues to exert effective command and control over an extensive network of allies that he built up during more than three decades as Head of State (1978-2012). There are three distinct components to this network: tribal, political and military. The tribal element is centred on his Sanhan tribe.[28] The political aspect revolves around GPC, of which he remains the head. Militarily, he retains the personal loyalty and allegiance of several high-ranking officers whom he appointed during his presidency. It is this last component that is the most important for his continued influence and power, and where he has placed his most trusted deputies. For example, one of his tribespeople, Brigadier General Abdullah Daba'an, is the Ta'izz axis commander.

43. The Saleh (YEi.003) network functions along highly personal lines of loyalty and is best envisaged as three concentric circles radiating out from family to clan to tribe.[29] He has also used the politics of marriage, by marrying sons and daughters into prominent families, as a secondary means of creating durable alliances.[30]

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[25] This not only makes the establishment of an accurate order of battle challenging, but also complicates the determining of responsibility for acts and violations.

[26] This is also true, for example, of the 17th Mechanized Infantry Brigade in Ta'izz.

[27] First identified by the Panel in May. Nevertheless, the Panel believes that the body was established as early as March/April.

[28] See annex 15 for background on the families, clans and tribes of Bayt al-Ahmar.

[29] The Saleh inner circle is the immediate family, in particular the sons (see annex 16) and the nephews (see annex 17). Members of his Afaash clan fall into the second circle, while fellow members of his Sanhan tribe largely comprise the outer circle. See also Sarah Phillips, *Yemen and the Politics of Permanent Crisis* (Abingdon, United Kingdom, Routledge, 2011).

[30] See annex 18 for a list of Saleh's wives and annex 19 for a list of his daughters and sons-in-law.

Although this network has suffered defections, most notably during the popular uprisings of 2011 and 2012, it has survived largely intact.[31]

44. Ali Abdullah Saleh (YEi.003) came to power in 1978 on the heels of two brutal assassinations of both his immediate predecessors. Concerned for his own personal safety,[32] he drastically revamped and restructured the Yemeni military command structure until it resembled a Sanhan tribal tree.[33] This allowed him to surround himself with people whom he trusted and also ensured that many within the senior officer corps owed him their position and their loyalty.[34]

45. Post-2012 efforts by the current President to restructure the Yemeni military were often met with resistance by many of these officers who were more loyal to Ali Abdullah Saleh (YEi.003) than to the State itself. In the wake of the Houthi takeover of Sana'a in late 2014, and the beginning of Operation Decisive Storm on 26 March 2015, many of these officers broke with the current President and continued to operate on behalf of Saleh. Although Saleh has periodically claimed that he no longer controls or directs military units in Yemen, the Panel assesses this to be a fig leaf designed to afford him deniability and shield him from further international repercussions and responsibility for violations of international humanitarian law committed by forces under his command and control.[35]

46. In late July, the Panel documented, for the first time, military units loyal to Ali Abdullah Saleh (YEi.003) fighting alongside Houthi units on the border with Saudi Arabia.[36] The first known casualty of a Saleh loyalist soldier, a member of the republican guards,[37] Sharif Ahmed Ali Ghashim Maqawlah, on the border occurred on 31 July. Several other casualties followed over the following few weeks,[38]

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[31] One notable example is that of the current Vice-President, Ali Muhsin al-Ahmar, who for years was a Saleh loyalist, only to break with him in 2011. He is from the same village (Bayt al-Ahmar) and tribe (Sanhan) as Saleh, but from a different clan.

[32] Throughout his career Ali Abdullah Saleh (YEi.003) has survived assassination attempts, many of which came early in his rule, during the 1970s and 1980s. He most recently survived an attempt in June 2011.

[33] Sanhan has not traditionally been a strong tribe in Yemen. It was only with Saleh's rise to the presidency that it became powerful, largely by supplying officers to the military.

[34] Many of these Sanhan officers fear that if Ali Abdullah Saleh (YEi.003) were removed from Yemen they would also be purged.

[35] See Saleh's speeches in October 2015 (see S/2016/73 for more detail) and, more recently, on 25 June, available from www.almotamar.net/pda/130743.htm.

[36] These units appeared to be largely from the republican guards under the control of the Houthis, which was technically disbanded by the current President yet remains operational under Saleh's instructions.

[37] The republican guards under the control of the Houthis were then headed by Ali bin Ali al-Ja'ifi, who was injured in the coalition strike on a community hall in Sana'a on 8 October and died of his wounds on 10 October. He was replaced by Major General Murad al-Awbali, who had formerly commanded the 62nd Mechanized Brigade within the republican guards, which is stationed at the Farijah military base in Amran. Al-Awbali and the brigade were active in fighting in Nihm in 2016.

[38] For a list of soldiers loyal to the Saleh network killed on the border with Saudi Arabia in July-August, see annex 20.

including Brigadier General Hasan Abdullah Muhammad al-Mulusi, who died on 22 September (see figure II).[39]

Figure II

Hasan Abdullah Muhammad al-Mulusi in Houthi "martyrdom" poster (left) and in the company of Ahmed Ali Abdullah Saleh (YEi.005) (right)

47. Although the Houthi-Saleh alliance has tightened politically, military units loyal to Ali Abdullah Saleh (YEi.003) and those operating under the umbrella of the Houthi leadership continue to remain largely distinct.[40] The Panel assesses that the relationship between Saleh and Abdulmalik al-Houthi (YEi.004) is an alliance of convenience, which is unlikely to survive the end of the current conflict. Saleh has historically ruled by playing groups off against one another, a process that he likes to call "dancing on the heads of snakes". His alliance with the Houthis, after fighting six wars against the group from 2004 to 2010, is the latest version of this strategy. While the Saleh network and the Houthis are currently allied by a common enemy, several long-term issues continue to divide the two, in particular the shape and ideology of any future State. Nevertheless, for the time being, Houthi and Saleh commanders continue to coordinate and cooperate in military strikes.[41]

48. The Panel has found that the Houthi and Saleh forces operate in three distinct ways. In population centres, such as Ta'izz, they operate along traditional military lines with a military district commander, axis commanders and brigade

[39] He was the former head of the Counter-Terrorism Unit within the Yemeni Special Forces, which was headed by Saleh's eldest son, Ahmed Ali Abdullah Saleh (YEi.005). Following Ali Abdullah Saleh's (YEi.003) resignation in 2012 and the subsequent military reshuffling, he acted as the head of Ahmed Ali Abdullah Saleh's (YEi.005) close protection team in the United Arab Emirates.

[40] One exception to this, which is notable because it is the only exception that the Panel has observed, is the case of Brigadier General Hasan Abdullah Muhammad al-Mulusi, who, although close to the Saleh family and a member of the Sanhan tribe, led a unit of Houthi fighters. Sources interviewed by the Panel ascribe this to the fact that al-Mulusi "became a Houthi", joining the movement to avenge the death of one of his sons who was allegedly killed in a coalition air strike in Sana'a.

[41] The Panel has drawn a distinction between the Houthi-Saleh political alliance and the alliance of Houthi and Saleh military forces. In the former, the Panel views the establishment of the joint supreme political council as the formalization of a power-sharing agreement between the two groups. Nevertheless, while the Panel finds that the Houthi and Saleh forces are part of a military alliance it has not found significant unit integration. It therefore uses the terms "Houthi-Saleh political alliance" and "Houthi and Saleh forces" to describe the situation on the ground.

commanders.[42] On the border with Saudi Arabia, there are smaller special operations units, including elements of the republican guards, and mobile missile groups. The missile force was previously part of the republican guards under the command of Ahmed Ali Abdullah Saleh (YEi.005), but now appears to be operating under the control of the Houthi forces.[43] Lastly, along the Red Sea coast, Houthi forces have adopted a territorial defensive strategy, which includes the use of land mines to support the defence of key points.

C. Houthi network

49. The Houthis, led by Abdulmalik al-Houthi (YEi.004),[44] have both a political and a military wing. Although they have established a supreme military council, in alliance with Ali Abdullah Saleh (YEi.003), key decisions for the movement continue to be made by Abdulmalik al-Houthi (YEi.004),[45] who is believed to be in Sa'dah.[46]

50. Militarily, the Houthis rely on a two-tiered approach: a network of militias, which rotate frequently through areas under Houthi control,[47] and ex-Yemeni military regular units under the command of officers who have broken with the current President and have "joined", or are now aligned to, the Houthi movement.[48] Many, although certainly not all of these officers, are Zaydis from *sayyid* families. One such figure is Major General Zakaria Yahya Mohammed al-Shami, who was named deputy chief of staff by the Houthis.[49] Just as with the Saleh network,

[42] See annex 21 for an outline of the command and control structure in the military districts in which Houthi and Saleh forces are active.

[43] The missile force has its headquarters in Faj Attan in Sana'a and brigades in the Sabra camp, south-west of Sana'a. Major General Mohamed Nasser Ahmed al-A'tifi, an officer from the Hadr subtribe of Khawlan, was appointed as its commander by the current President in 2013. Abdulmalik al-Houthi (YEi.004) has praised the force for its creativity and Major General al-A'tifi was appointed as the Sana'a-based minister of defence in the Sana'a-based government of 28 November.

[44] See annex 22 for background to the Houthi movement and annex 23 for the Houthi family tree.

[45] Abdulmalik al-Houthi's (YEi.004) leadership has caused some rifts with early members of the Houthi network. This is most notably the case with Abdullah al-Razzami, a former parliamentarian for Hizb al-Haqq, who was one of Husayn al-Houthi's key deputies in the initial Houthi war in 2004. The Panel does not believe that al-Razzami, who continues to reside in Sa'dah, is still a member of the Houthi movement. Early in September, members of his tribe, the Razzam, clashed with Houthi fighters in Sa'dah, leaving seven dead.

[46] He rarely appears in public and most frequently communicates with the public via video messages.

[47] These militias, as is the case with many irregular forces, do not wear uniforms and are not stationed at bases. Their commanders often use a nom de guerre or, in Arabic, a *kunya*, such as Abu Ali (literally: "the father of Ali"), which makes positive identification difficult. See, for example, this article on a Houthi commander in Ibb, who is known only by the *kunya* Abu Hamza: www.almasdaronline.com/article/83398. See also annex 24 for a list of Houthi fighters released in Ma'rib in September, which illustrates the degree to which Houthi fighters from different regions are moved around the country to participate in active battlefronts.

[48] It is often unclear which senior officers have joined the Houthi movement out of ideological agreement and which have joined because the Houthis are the strongest group in an area.

[49] In the Sana'a-based government announced on 28 November, he was named the minister of transportation in territories controlled by the Houthis. The Panel has yet to confirm that he will retain his role as the effective head of the former Yemeni military now affiliated to the Houthi armed groups.

identity plays a key,[50] although not definitive, role. The Houthis have appointed military commanders to five of the seven military districts of Yemen.[51] In addition, the Houthis control an intelligence apparatus, the national security bureau,[52] which is headed by Abdulrabb Saleh Ahmed Jarfan.[53]

D. Al-Qaida in the Arabian Peninsula

51. Following the forced withdrawal of Al-Qaida in the Arabian Peninsula (AQAP) from Mukalla in late April, the group has been unable to seize, hold or administer similar portions of territory.[54] Nevertheless, it remains active in carrying out attacks in Yemen, which generally fall into three main categories: suicide attacks (see annex 28), mortar attacks and roadside bombs. Throughout 2016, AQAP has claimed some 200 attacks,[55] most of which have been conducted using roadside bombs (see para. 86).

52. AQAP has devoted most of its efforts in Yemen to fighting the Houthis, especially in Bayda',[56] attacking Security Belt Forces in Abyan and Aden[57] and striking forces loyal to the President in Hadramawt.[58] The Panel also assesses that AQAP is actively working towards preparing terrorist attacks to be launched against the West using Yemen as a base.[59] The group has continued to actively recruit from Yemeni tribes, especially in southern Yemen and Hadramawt, and has emphasized

[50] For Saleh's network, the identity that mattered was tribal, in particular being from Sanhan. For the Houthis, the identity that matters is religious, being a descendant of the Prophet.

[51] See annex 25 for information on Houthi military district commanders. Annex 26 shows Houthi appointments in one district as an example.

[52] The national security bureau is the most powerful intelligence service in Yemen under the Houthis. For background, see www.globalsecurity.org/intell/world/yemen/index.html. It was originally formed in 2002, at least partly in response to outside fears that jihadi sympathizers had infiltrated the main intelligence body, the Political Security Organization. Ali Abdullah Saleh (YEi.003) swiftly co-opted the new organization by making his nephew, Ammar Muhammad Abdullah Saleh, principal deputy in the bureau, a position that he held until the current President removed him in 2012.

[53] In addition to his post at the national security bureau under the control of the Houthis, Abdulrabb Jarfan was also appointed to the supreme security council for the Houthis in February 2015. See www.almashhad-alyemeni.com/news46910.html. On 20 August, he was similarly appointed to the military and security committee. See www.gulfeyes.net/middle-east/582499.html. For the full list of members, see annex 6.

[54] Information on prominent AQAP officials of interest to the Panel is provided in annex 27.

[55] This number is not exact because AQAP lists its attacks per month according to the Islamic calendar, which is based on a lunar cycle, making determining a precise starting point impossible.

[56] The Panel has documented several clashes between AQAP and militias linked to the Houthis in Bayda', in particular during September and October.

[57] A recent example of this was a roadside bomb used to assassinate a former Security Belt Commander and current "resistance" leader, Khadr Mualim, in Abyan on 28 November. See www.almasdaronline.com/article/86749.

[58] For example, on 13 July there was a dual suicide attack claimed by AQAP, which targeted a military base in Hadramawt.

[59] This has been the stated position of the AQAP leader, Qasim al-Raymi (QDi.282), and the Panel has seen no evidence to suggest that AQAP has changed its focus.

that the West remains its primary target. AQAP members have also taken part in the fight in Ta'izz on the side of the "resistance" against Houthi and Saleh forces.[60]

53. Throughout 2016, AQAP has also been under pressure from bilateral United States air and drone strikes. The United States has carried out more than 30 such strikes, killing at least 139 individuals.[61] Separate from the coalition led by Saudi Arabia, the United States has deployed "small numbers" of military personnel to assist in operations targeting AQAP.[62] It has also listed six Yemenis, including two members of the Government, as "specially designated global terrorists".[63]

54. AQAP continues to release high-quality video productions,[64] which appear to be produced locally, and issues of its English-language magazine, *Inspire*.[65] There has, however, been a marked decrease in the number of official statements, and those that are released tend to be aimed at either setting the record straight[66] or clarifying an AQAP position.[67] The Panel believes that AQAP continues to have two primary goals in Yemen: the control and administration of territory and the use of the country as a launching pad for attacks against the West.

E. Islamic State in Iraq and the Levant

55. Islamic State in Iraq and the Levant (ISIL) also remains active in Yemen,[68] although it had fewer members and carried out fewer attacks than AQAP during the

[60] As a terrorist group, AQAP is opposed to nearly every other side in the conflict: the Houthis, Saleh's forces, the legitimate Government and the coalition. This typically means that AQAP opposes whichever group has the most control in a region, while at times making common cause with the enemy of that group. This explains why in some areas AQAP is targeting forces loyal to the current President, while in others it is fighting alongside groups broadly affiliated with the legitimate Government.

[61] These numbers are collated from the United States Central Command and may still increase. For the full table of confirmed United States air and drone strikes, see annex 29.

[62] United States, White House, *Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations*, December 2016. Available from www.justsecurity.org/wp-content/uploads/2016/12/framework.Report_Final.pdf.

[63] On 19 May, the United States listed the Governor of Bayda', Nayif Salim Saleh al-Qaysi, and on 7 December a member of the Consultative Council and the leader of a pro-government militia in Jawf, Hasan Ali Ali Abkar. Both individuals have denied the charges. In addition, another listed individual, Muhammad Salih Abd-Rabbuh al-Omgy, has publicly denied the charges. The Panel has been able to confirm only that one of the listed individuals, Ghalib Abdullah al-Zaidi, is a member of AQAP.

[64] Examples of this include videos such as the fifth instalment in the series "*Harvest of Spies*" and the sixth instalment in the series "*Repelling the Aggressors*".

[65] The latest issue is No. 16. Prominent figures within the organization, including Qasim al-Raymi, Khaled Ba Tarfi and Ibrahim al-Quso, a former detainee at Guantanamo Bay, have all appeared in propaganda videos. See annex 27 for a list of prominent AQAP figures of interest to the Panel.

[66] For example, early in September it released a statement to deny that it had played a role in killing 20 Yemeni soldiers in Hadramawt. It has also denied destroying a Sufi shrine in Ta'izz. ISIL similarly distanced itself from destroying the shrine.

[67] In October, AQAP issued a statement on its attempts to interact and work with tribes in Shabwah.

[68] For a list of ISIL-affiliated figures of interest to the Panel, see annex 30.

reporting period. The group appears to be weaker than at this point in 2015.[69] Nevertheless, it remains capable of inflicting significant damage. Most ISIL attacks in Yemen fall into two categories: suicide bombings[70] and close-quarter assassination of security officials, which are increasingly filmed as they happen.[71] Early gains in the recruiting battle against AQAP in 2015 notwithstanding, ISIL is now struggling to maintain this early momentum.[72] By the middle of 2016, it had suffered a wave of defections and losses.[73] AQAP and ISIL have publicly sparred over which group is doing the most to combat the Houthis.[74]

56. The group, which is much more clandestine about its inner workings than AQAP, appears to have undergone a leadership change early in 2016.[75] Nevertheless, while it benefits from the continuing fighting in Yemen, it continues to struggle to supplant AQAP as the organization of choice for radicalized individuals.

F. Active "fronts"

57. Although the Houthi and Saleh forces initially reached as far south as Aden in 2015, they have since been pushed back into the northern highlands.[76] Throughout

[69] The Panel has received information that in mid-2015 ISIL established a training camp in Hadramawt near the border with Saudi Arabia. The Panel has, however, been unable to confirm whether the camp remains operational.

[70] One of the deadliest such attacks took place on 29 August in Aden when an ISIL attacker and 28-year-old Koranic teacher later identified as Ahmed Sayf (Abu Sufayn al-Adani) killed at least 54 soldiers, wounding 67 more. See http://golden.news/articles/361/.

[71] Two recent attacks, the assassination on 30 September of an officer in the Political Security Organization, Ali Muqbil, in Aden and the assassination on 22 November of a security official at Aden airport, Abd al-Rahman al-Dhala'i, were both publicized with graphic, video-game-style first-person shooter photographs, showing the moment of the assassination from the perspective of the killer.

[72] Early in September, three young men announced via a crude video an ISIL province in Mahrah, on the eastern border with Oman. Nevertheless, there has been no official acknowledgement by ISIL. Given the low-quality, do-it-yourself feel to the video, the Panel believes that this claim is more aspirational than actual. The Panel has also received information from a confidential source that in 2015 several Saudi Arabian nationals travelled across the border to join ISIL in Yemen. The Panel has identified nationals of Iraq, Saudi Arabia, the Syrian Arabic Republic, Tunisia and Yemen among ISIL members in Yemen.

[73] For example, on 8 July, an ISIL defector, Ghassan al-Sadi, was assassinated in Abyan.

[74] Although there is evidence to suggest that AQAP has fought Houthi forces, especially in Bayda', the Panel has found no credible evidence to suggest that ISIL is carrying out similar attacks against the Houthis.

[75] The Panel is aware of a report that two ISIL members from outside Yemen led a contingent of fighters who allegedly took part in the fighting in Ta'izz on the side of the Salafist resistance. While the Panel has been unable to independently verify this information, it continues to investigate the incident and the links between ISIL in Yemen and in Iraq and the Syrian Arab Republic.

[76] The Houthis, as Zaydis, had very little local support in south Yemen, which remains largely Shafi'i, or Sunni. The Houthis may have not actually intended to take Aden, but only to force the current President and troops loyal to him to defend it.

much of 2016, the high numbers of casualties notwithstanding,[77] the battle lines have gradually hardened. Although there has been increased fighting along the border with Saudi Arabia, little has changed militarily, in terms of territory taken or lost by any side, during the period covered herein.

58. At the time of writing, after 22 months of war the military map looked much the same as it did after 10 months. The Houthis control or are active in much of the northern highlands, including Ibb, Dhamar, Sana'a and Sa'dah.[78] Ta'izz is still contested, as are other parts of the country. The Government controls large sections of the south, including Aden, although the city is beset by violence and insecurity. AQAP and ISIL continue to recruit and carry out attacks.[79]

IV. Arms and implementation of the targeted arms embargo

59. Pursuant to paragraphs 14 to 17 of resolution 2216 (2015), the Panel continues to focus on a range of monitoring and investigative activities in order to identify whether there have been violations of the targeted arms embargo, which was put in place to prevent the direct or indirect supply, sale or transfer to, or for the benefit of, individuals and entities listed by the Committee and the Security Council.

A. Supply chains for weapons and ammunition

60. The Panel has established that the options for supply chains of weapons and ammunition to the individuals and entities listed by the Committee and the Security Council and those acting on their behalf or at their direction are currently limited to those set out in table 1.

Table 1
Supply chains for weapons to Houthi or Saleh forces

Supply chain	*Remarks*
Illicit external large-scale supply	Classified by the Panel as more than 1,000 weapons or tens of tonnes of ammunition
Small-scale supply ("ant trafficking")	Less than a few hundred weapons
Large-scale seizures from the Yemeni national stockpile	Owing to military operations, theft or diversion

[77] These include both foot soldiers and key commanders. Two of those commanders, Mubarak al-Mishn al-Zayadi (third military district, Ma'rib) and Muhammad al-Hawari (sixth military district, Amran), were killed in the strike on the funeral hall in Sana'a on 8 October. For a full list of the Houthi military commanders, see annex 25. Their government equivalents are listed in annex 31.

[78] There are, however, still clashes in these cities and governorates.

[79] See annex 32 for a timeline of key security events and annex 33 for an outline of the major battlefronts.

Supply chain	*Remarks*
Small-scale capture after battles	Battlefield capture from individual combatants or units (see annex 34)
Internal black market	

B. Probability of large-scale supply of weapons from the Islamic Republic of Iran to Yemen

61. In a letter addressed to the President of the Security Council dated 14 September (S/2016/786), Saudi Arabia alleged violations of resolution 2216 (2015) by the Islamic Republic of Iran and demanded that the Council take the appropriate and the necessary measures against those who had violated the relevant resolutions. The Permanent Representative of the Islamic Republic of Iran rejected the allegations as "pure fabrications and unsubstantiated" in a response dated 27 September (S/2016/817). A further response was made by the United Arab Emirates, also on behalf of Bahrain, Egypt, Jordan, Kuwait, Morocco, Oman, Qatar, Saudi Arabia, the Sudan and Yemen, in a note verbale dated 27 October addressed to the Secretary-General (A/71/581), requesting that the annex thereto, containing alleged violations by the Islamic Republic of Iran, be circulated to the General Assembly. The allegations were again firmly rejected as being "baseless" in a response dated 16 November by the Permanent Representative of the Islamic Republic of Iran (A/71/617).

62. The Panel has not seen sufficient evidence to confirm any direct large-scale supply of arms from the Government of the Islamic Republic of Iran, although there are indicators that anti-tank guided weapons being supplied to the Houthi or Saleh forces are of Iranian manufacture. The air supremacy of the coalition led by Saudi Arabia over Yemen and the effectiveness of the maritime inspection system means that there are now only three credible direct supply routes from the Islamic Republic of Iran to Yemen for small-scale trafficking.

C. Maritime trafficking routes

1. Coastal dhows to Houthi-Saleh-controlled ports on the west coast of Yemen

63. Coastal dhows, if en route to Houthi-Saleh-controlled ports on the west coast of Yemen, even if routed via a transit point in Djibouti or Somalia, must pass from the Gulf of Aden into the Red Sea through the busy Bab al-Mandab strait, which is 28 km wide. This is well patrolled by the Combined Maritime Forces,[80] the United States Navy Fifth Fleet and the Royal Saudi Navy. If sent in very small consignments on coastal dhows, it is probable that some shipments would arrive, but many would inevitably be interdicted by naval patrols. The Panel has seen no evidence of any maritime seizures to date on this route, which strongly suggests that it is not being actively exploited.

[80] See https://combinedmaritimeforces.com.

2. Coastal dhows to Omani transit ports

64. There are only two small Omani ports[81] to the west of Salalah, Dhofar governorate, with road access to the border with Yemen that would be suitable for the offloading of arms. Ship-to-shore transfers across Omani beaches in Dhofar are also possible. The subsequent requirement for vehicles to then transit through the most likely border crossing point at Sarfayt/Hawf[82] carries a higher risk of interdiction by border guards than if ship-to-shore transfers were made directly across a Yemeni beach. Recent land seizures indicate that this route may be in use for small-scale shipments (see para. 75).

3. Coastal dhows to south-eastern ports or beaches in Yemen

65. The only suitable port for the direct offloading of weapons in south-eastern Yemen would be Nishtun,[83] but this is under the control of government forces, meaning that its use would imply a level of corruption on the part of officials. The alternative to offloading weapons at Yemeni ports is, however, to operate a covert ship-to-shore transfer from coastal dhows or small boats across the known smugglers' beaches at Ghaydah,[84] Haswayn[85] and Qishn.[86,87] Recent land seizures indicate that this route is also probably in use for small-scale shipments (see para. 75).

4. Maritime seizures in 2015 and 2016

66. There were only four confirmed seizures of weapons in the Arabian Sea and the Gulf of Aden by the Combined Maritime Forces or the United States Navy Fifth Fleet during 2015 and 2016,[88] together with an alleged seizure by the coalition led by Saudi Arabia in 2016 (see table 2).

Table 2
Regional maritime weapon seizures, 2015-2016

			Weapon type and quantity								
Date	*Fishing vessel*	*Seized by*	*AK-47 assault rifle variant*	*PKM medium machine gun*	*Hoshdar-M sniper rifle*	*12.7-mm DShK variant heavy machine gun*	*RPG-7 variant rocket launcher*	*60-mm mortar*	*Toophan*	*9M113 Konkurs or 9M133 Kornet variant anti-tank guided weapon*
24 September 2015	*Nasir*	HMAS *Melbourne*							56	19
27 February 2016	*Samer*	HMAS *Darwin*	1 989	49			100	20		
20 March 2016	Unknown	FS *Provence*	1 998	6	64					9

[81] Raysut, 16°55'30.06"N, 54°00'38.74"E, and Dalqut, 16°42'16.85"N, 53°15'14.37"E.
[82] 16°40'15.73"N, 53°05'57.32"E
[83] 15°49'15.64"N, 52°11'49.01"E.
[84] 16°10'18.29"N, 52°13'28.69"E.
[85] 15°35'04.14"N, 52°06'19.69"E.
[86] 15°23'17.67"N, 51°38'35.64"E.
[87] Confidential sources.
[88] Seized under the mandate in resolutions 2182 (2014) and 2244 (2015) relating to Somalia. See also S/2016/919, annex 8.4.

Date	Fishing vessel	Seized by	Weapon type and quantity: AK-47 assault rifle variant	PKM medium machine gun	Hashdar-M sniper rifle[c]	12.7-mm DShK variant heavy machine gun	RPG-7 variant rocket launcher	60-mm mortar	Toophan[d]	9M113 Konkurs or 9M133 Kornet variant anti-tank guided weapon
28 March 2016	*Adris*	USS *Sirocco*	1 500			21	200			
16 November 2016	Unknown[e]									
		Total	**4 487**	**55**	**64**	**21**	**300**	**20**	**56**	**28**

[c] Iranian copy of the Chinese type-79 sniper rifle. Confirmed by Armament Research Services.

[d] Tube-launched, optically tracked, wire-guided anti-tank guided missile.

[e] Democratic People's Republic of Korea type-73 variant.

[f] Media reports claimed that two small dhows had been captured by the coalition led by Saudi Arabia off the coast of Salif, with conflicting reports stating that they had been destroyed by air strikes. Saudi Arabia has not responded to the Panel's requests for more details on the reported incident or incidents.

67. Tracing requests were sent to the Member States[89] that manufactured the eight weapon types that the Panel could positively identify from imagery (see annex 35). The age of the weapons seized was problematic in terms of the effectiveness of the requests. The Member States that responded have a national legal requirement to keep export control records only for 5 or 10 years. Manufacturing records are available, which can be used to confirm the State of manufacture, but they do not have details of the initial end user. Given that some weapon types were also exported to many countries,[90] further tracing requests were unlikely to elicit any useful information as to the supply chain owing to the time elapsed and the wide distribution of the weapon systems. The Panel could not therefore positively determine the origin of the weapons, given that the supply chains remain opaque.

68. Tracing requests by the Panel to identify the supply chains have been further constrained by some of those Member States that seized the vessels not providing sufficient detail in their notifications to the Committee and their responses to subsequent requests by the Panel and not allowing the Panel to physically inspect the weapons seized.[91] The Panel requires detailed imagery of the weapons to identify the exact type and model, as well as the serial numbers to then enable detailed supply chain investigations.

69. In investigating above-referenced maritime seizures, the Panel has identified 2,064 weapons that could be directly linked to Iranian manufacture or origin (see table 3). The Panel identified the country of manufacture from the imagery supplied by the Member State seizing the weapons. The remaining weapons could not be positively attributed to a specific country of manufacture.

[89] Bulgaria and the Russian Federation confirmed manufacture, but noted that that manufacture had been more than 10 years ago, rendering it impossible to trace the end-user certificate. China confirmed that a weapon type was not of Chinese manufacture. The Islamic Republic of Iran and Romania have yet to respond.

[90] For example, the 9M113 Konkurs anti-tank guided weapon system was exported to 26 countries, according to *Jane's* (https://janes.ihs.com/CustomPages/Janes/Home.aspx).

[91] Apart from the FS *Provence* seizure, which the Monitoring Group on Somalia and Eritrea was permitted to inspect in Brest, France, in December 2015.

Table 3
Maritime seizures in 2015-2016 traceable to Iranian manufacture or supply

	Vessel				
Weapon type	*Nasir*	*Samer*	*Unknown*	*Adris*	*Remarks*
AK-47 assault rifle variant			1 998		One was positively confirmed as being of Iranian manufacture.[c] All were reported to be of the same type.
Hoshdar-M sniper rifle			64		Only the Islamic Republic of Iran manufactures this weapon type.
RPG-7 variant rocket launcher		2			Two were positively confirmed as being of Iranian manufacture. All 100 were reported to be of the same type.

Note: Data also taken from Conflict Armament Research, "Analysis of maritime weapon seizures", in "Maritime interdictions of weapon supplies to Somalia and Yemen: deciphering a link to Iran" (London, November 2016).

[c] Four sets of sequential serial numbers were noted, making it certain that all were from the same manufacturer.

5. Track analysis

70. Track analysis of the vessels' declared and probable courses (see map 3), compared against the seizure positions, challenges assertions made that Yemen was the destination for the four vessels listed in table 2.[92] A small dhow captain would probably be conscious of fuel costs and wish to take the most direct route to port. Deviations would probably be made only owing to bad weather or to avoid detection if carrying illicit cargo. It is, however, unlikely that a vessel would deviate from track to avoid detection, instead relying on a policy of "safety in numbers" by transiting in the company of other dhows. The track analysis strongly suggests the following:

(a) The FV *Nasir*, which departed from Chabahar in the Islamic Republic of Iran, was seized at a position on the most direct and economical track to Hurdiyo,[93] Somalia. This was the destination plotted recovered as evidence by HMAS *Melbourne*. Mobile and satellite phones were also inspected during the seizure operation and subsequent traffic analysis from data provided by a Member State provided further evidence that the originator was based in the Islamic Republic of Iran and that Somalia was the destination for the shipment.[94] In the period from 27 August to 23 September 2015, during which the smuggling operation occurred, 60 per cent of outgoing calls from and 72 per cent of incoming calls to the vessel were from a single Iranian subscriber number.[95] The master of the FV *Nasir* was also in contact with known arms dealers with links to a former pirate, Isse

[92] For example, see "French navy seizes weapons cache heading from Iran to Yemen", Al Arabiya, 30 March 2016, available from http://english.alarabiya.net/en/News/middle-east/2016/03/30/French-navy-seizes-weapons-cache-heading-from-Iran-to-Yemen.html; and Sam LaGrone, "U.S. navy seizes suspected Iranian arms supply to Yemen", USNI News, 4 April 2016, available from https://news.usni.org/2016/04/04/u-s-navy-seizes-suspected-iranian-arms-shipment-bound-for-yemen.

[93] 10°33'41.00"N, 51°08'04.13"E.

[94] Details have been omitted because the investigation is continuing.

[95] The Panel has requested details as to the subscriber from the Islamic Republic of Iran. No response has been received to date.

Mohamoud Yusuf ("Yullux"),[96] and the leader of the ISIL faction in Somalia, Abdulqadir Mumin;

(b) The FV *Samer* was seized at a position 130 nautical miles south-east of the most direct and economical track from Chabahar, Islamic Republic of Iran, to Boosaaso, Somalia,[97] this being the destination port assessed as likely by HMAS *Darwin*.[98] This position is further away from the Yemeni coast than the most direct and economical track and suggests that a more likely direct destination was the eastern smuggling ports of Somalia than Boosaaso;

(c) The unknown fishing vessel was seized by the FS *Provence* at a point on the most direct and economical track from Chabahar, Islamic Republic of Iran, to its declared destination of Qandala,[99] Somalia;

(d) The seizure location of the FV *Adris* has not been communicated to the Panel, notwithstanding requests sent on 10 May and 3 November to the Member State responsible. The declared destination of the vessel was Caluula,[100] Somalia, and the vessel originated in Sirik, Islamic Republic of Iran. Although the media reported[101] that Yemen had been the destination for the shipment, the Panel has seen no evidence to confirm this.

[96] See S/2013/413, annex 3.1, and S/2014/726, annex 4.7, para. 204, for further information on his operations and network in Somalia.

[97] 11°17'29.42"N, 49°10'46.40"E.

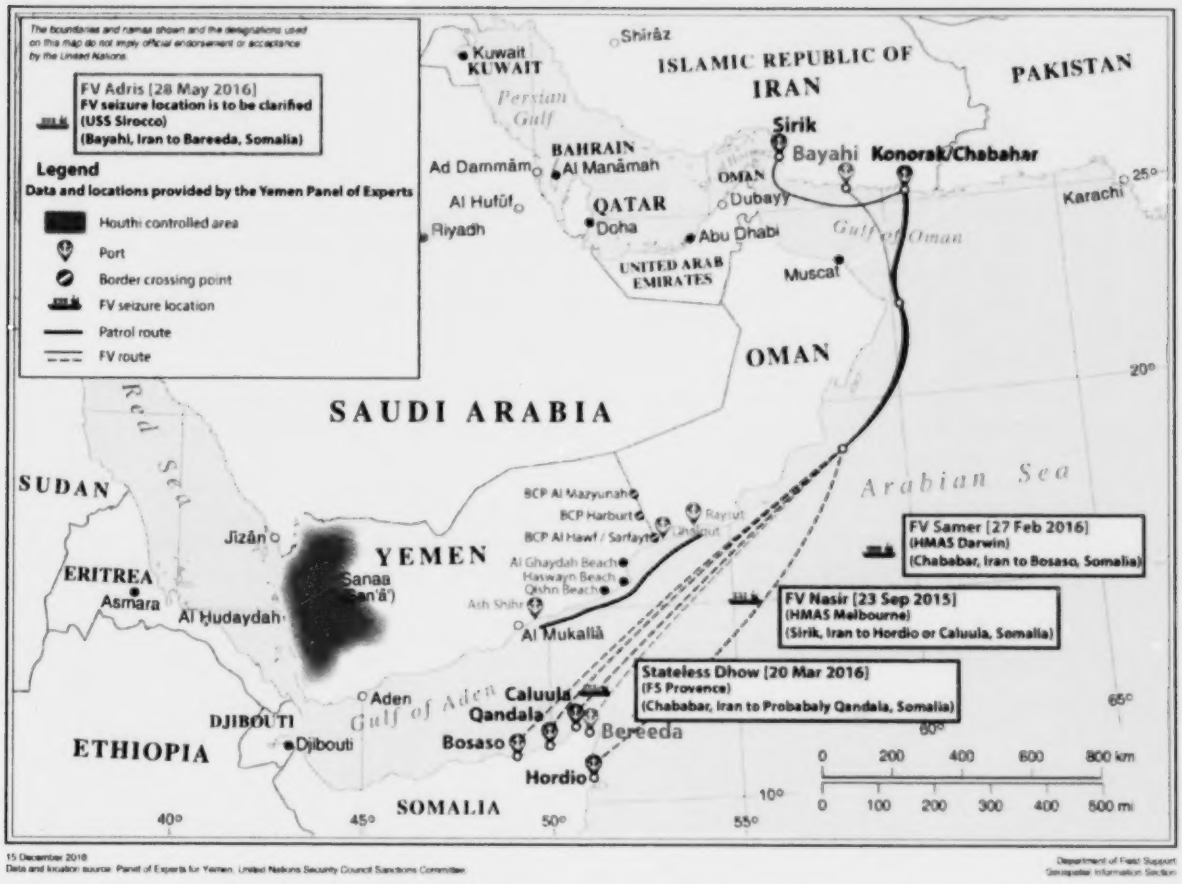
[98] Letter to the Panel from Australia dated 22 June 2016.

[99] 11°28'29.46"N, 49°52'19.40"E.

[100] 11°57'58.07"N, 50°45'17.94"E.

[101] Sam LaGrone, "US navy seizes suspected Iranian arms shipment bound for Yemen", USNI News, 4 April 2016, available from https://news.usni.org/2016/04/04/u-s-navy-seizes-suspected-iranian-arms-shipment-bound-for-yemen.

Map 3
Probable tracks and seizure positions



71. The evidence that the vessels originated from the Islamic Republic of Iran is irrefutable, but that seen by the Panel for the onward shipment of their cargo of weapons to Yemen from Somalia, or transfer at sea en route to divert from a Somali destination to a Yemeni destination is much less firm.

72. None of the interdicted maritime shipments contained munitions other than anti-tank guided weapons (see para. 76). Ammunition supplies are much bulkier than weapon supplies, by at least a factor of 10, because of their rate of use during combat — they require constant replenishment. This suggests that: naval interdiction has been unlucky and illicit ammunition shipments have been missed, which is considered unlikely by the Panel in the context of three seizures of weapons in such a brief time; ammunition is being shipped by air, which is unlikely with the air blockade in place; ammunition is being shipped by road (see para. 75); and/or that there are sufficient stocks already available in Yemen, which, based on black market prices, is the most likely scenario (see para. 79).

73. The Panel cannot, however, entirely discount the possibility that it was planned that the shipments would be cross-loaded to even smaller vessels in Somalia, or off the Somali coast, for onward transit to Yemen. The seizure of three vessels within a month may have disrupted this as a plan, effectively forcing arms traffickers to explore other options (see para. 75).

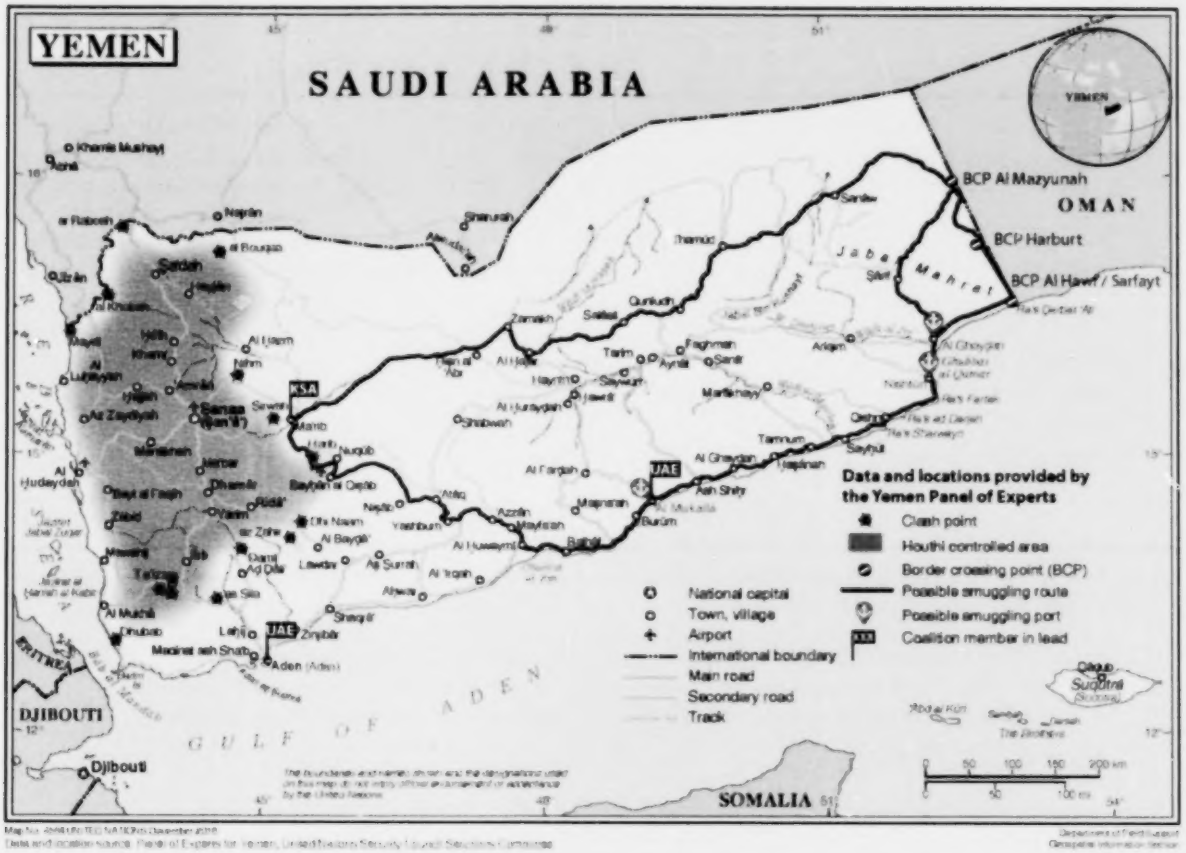
D. Small-scale "ant trafficking"

74. In its previous final report (S/2016/73, paras. 75-77), the Panel analysed the potential use of weapon smuggling networks established before the imposition of the arms embargo under resolution 2216 (2015). The current proliferation and widespread distribution of weapons within Yemen means that such networks could profit only by either attempting to smuggle high-profile weapons such as man-portable anti-tank guided weapons into Yemen; or smuggling small arms and light weapons from Yemen to neighbouring States, for which there is no evidence.

75. The land routes from the border crossing points with Dhofar, Oman, to the nearest Houthi-controlled territory, or from south-eastern Yemeni ports, pass through more than 600 km of government-controlled territory (see map 4). The probability of large-scale shipments being able to successively use this route without detection is low, but it is possible. The route is being exploited, as indicated by recent seizures by the Government.[102] These were all from large trucks and either hidden under other cargo, for example chicken boxes, or were in false compartments of the trailer units (see summary and imagery in annex 36).

[102] The Panel has requested detailed information on seizures from Saudi Arabia, the United Arab Emirates and Yemen. Only the United Arab Emirates has responded to date.

Map 4
Land smuggling routes from Oman and Yemen beaches and ports



76. The Panel has identified that seizures of anti-tank guided weapons on the land route from Oman to Ma'rib began to be reported in mid-2016. Given that the interdiction risks are high on this route, this is an indicator that the route opened for such trafficking around this time. Table 4 provides a summary of the operational use and seizure of anti-tank guided weapons from mid-2015 to 2016, with imagery provided in annex 37.[103]

[103] For other Iranian weapons observed in individual Houthi use, see annex 38.

Table 4
Operational use and seizures of anti-tank guided weapons, 2015-2016

			Type						
	Date	*Location*	*9M113 Konkurs*	*Iranian Tosan*	*9M115 Metis*	*Iranian Toophan*	*9M113 Kornet*	*Iranian Dehlaviyeh*	*Remarks*
1	24 September 2015	FV *Nasir*	19			56			Konkurs of 1992 manufacture
2	29 November 2015	Ta'izz					1	1	Kornet lot No. 2 of 2008, same serial number batch as at item 3 Dehlaviyeh lot No. 7 of 2015 (only four months before seizure)
3	20 March 2016	Unknown fishing vessel					9		Lots Nos. 1 and 2 of 2008, either Kornet or Dehlaviyeh
4	28 September 2016	Ma'rib					15		Either Kornet or Dehlaviyeh
5	Unknown date in September 2016	Safir, Ma'rib		1					Lot No. 4 of 2002
6	18 October 2016	Shehn, Ma'rib							18 anti-tank guided weapons, type not yet confirmed
			20			**56**	**26+**		

Source: Wide range of open and confidential sources, including Armament Research Services Hoplite reports and *Jane's* analysis (https://janes.ihs.com/CustomPages/Janes/Home.aspx).

77. Although anti-tank guided weapons are now being smuggled on the land routes, the Panel assesses it as unlikely that the network using these routes could covertly transfer any significant quantities of larger-calibre weapon systems, such as short-range ballistic missiles, into Yemen at the current time. An anti-tank guided weapon is less than 1 m in length and easily hidden in a large truck, while a short-range ballistic missile of 7 m in length is much more difficult to conceal.

E. Seizure, theft or diversion from the Yemeni national stockpile

78. By analysing the order of battle[104] of the Yemeni Army (see annex 39), the Panel identified those units that either aligned themselves with or supported Houthi or Saleh forces in an effort to assess what part of the national stockpile had ended up outside the control of the army. The data indicate that the legitimate Government has potentially lost control of more than 68 per cent of the national stockpile during the conflict. The Panel has been unable to determine the size of the national stockpile before the current hostilities, and thus it is not yet possible to realistically estimate for how long the weapons and ammunition will sustain Houthi or Saleh forces in combat until they need major external resupply.

[104] See Charles Catis, "Yemen order of battle", American Enterprise Institute Critical Threats, February 2015. Available from www.criticalthreats.org.

F. Small arms ammunition on the black market

79. A significant indicator as to the availability of small arms ammunition within a community is the price on the black market. The Panel has begun to collect and analyse data. Initial findings are that, in Aden, for a typical 7.62 x 39 mm round, after a rapid fall in prices immediately following the beginning of the current conflict (to $0.23 per round), the black market prices are now at 65 per cent ($0.84 per round) of pre-war prices ($1.30 per round) and are remaining stable at that level (see annex 40). There may be a range of local factors to account for this, which have yet to be identified, but it is certain that small arms ammunition is more readily available than it was before the conflict. This is due to the illicit proliferation of the government stockpile.

80. The Panel has identified a case of an attempted post-delivery diversion of Taurus-manufactured pistols and revolvers using dubious end-use certification. The weapon types are designed more for personal protection and not of a type typically used on the modern battlefield. The weapons were very likely destined for the black market in Somalia and the wider region, but were seized by a Member State in transit. The individual brokering the deal, Adeeb Mana'a, is a son of a designated individual and known arms trafficker, Fares Mohammed Mana'a (SOi.008),[105] who is both a past close associate of Ali Abdullah Saleh (YEi.003)[106] and closely linked to the Houthis.[107] His involvement and his known relationship to the Houthis make it possible that the financial aspects of the transfer may have been to the benefit of listed individuals, and the Panel will continue to investigate this aspect of the case. The Panel assesses that the modus operandi of the transfer was designed to circumvent normal customs and security controls. The case remains under investigation and the progress to date is described in annex 41.

G. Houthi-Saleh "missile campaign"

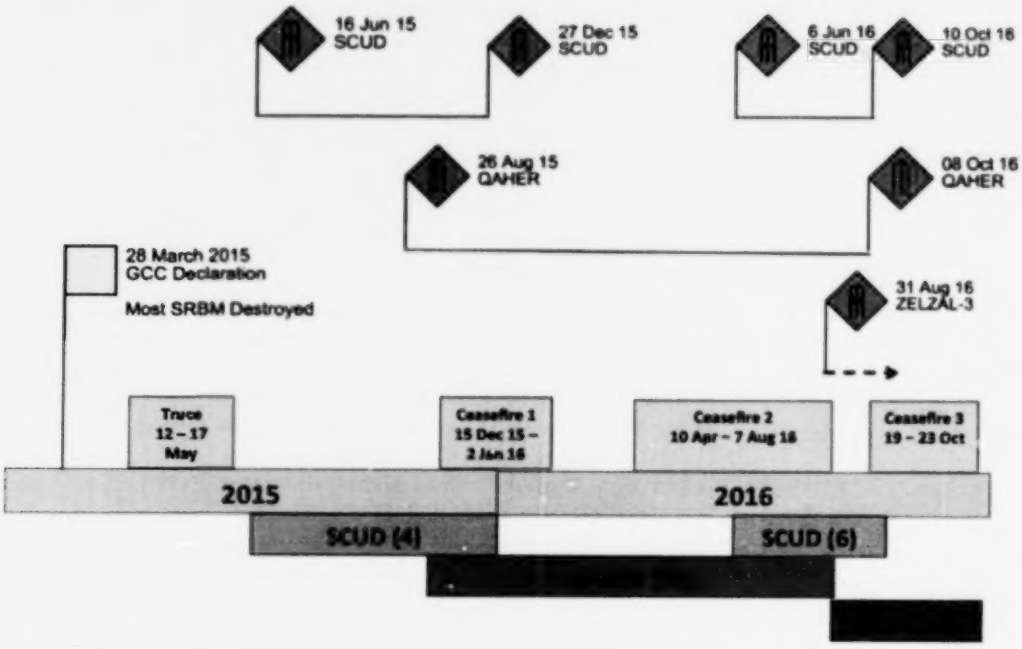
81. The Houthi-Saleh alliance has been engaged in a strategic "land missile campaign" against Saudi Arabia since the first recorded launch of a Scud-variant short-range ballistic missile on 16 June 2015 (see figure III). While the Panel has established that such missiles and improvised Qaher-1 free-flight rockets have been launched against Saudi Arabia by Houthi or Saleh forces, the latter have also initiated a propaganda campaign claiming the use of locally manufactured, as opposed to improvised, missiles. Annex 42 contains details of all short-range ballistic missiles and free-flight rockets used to date, with technical analysis showing why the Panel considers that the alliance's claims to have manufactured new missile types locally are highly unlikely.

[105] Listed under the authority of resolution 1844 (2008), para. 8, on 12 April 2010 by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea.

[106] He was the head of Ali Abdullah Saleh's Presidential Committee until late January 2010, when the Yemeni authorities arrested him.

[107] On 28 November, the Sana'a-based Houthi-Saleh supreme political council appointed him minister of state.

Figure III
Timeline of Houthi-Saleh missile campaign



82. Although the impact of the cross-border missile attacks is low in terms of casualties and infrastructure damage on the Saudi Arabian side, the attacks have a significant economic and political impact. From an economic perspective, launching the missiles, or even threatening to do so, is a very low-cost option for the Houthi-Saleh alliance because it seized the missile stocks at virtually no cost, whereas the financial cost to Saudi Arabia is high in terms of the expenditure of high-technology interceptor missiles such as the Patriot PAC-3, which reportedly cost some $900,000.[108]

83. Extensively reported open-source information indicates that the Saudi Arabian military is having mixed success in intercepting and destroying the Qaher-1 and Scud variants in flight. For example, of the 60 reported launches of missiles and rockets against Saudi Arabian territory since 16 June 2015 (see annex 42), the coalition claims to have intercepted and destroyed 28 in flight (47 per cent).

84. In terms of political impact, missile attacks on Saudi Arabian cities serve to maintain strategic pressure on Saudi Arabia, given that each impact illustrates the vulnerability of civilians to such attacks and demonstrates a weakness in defensive capabilities. The Panel assesses that it is likely that such attacks will continue until the Houthi or Saleh forces expend all their missile and free-flight rocket stocks or until the stocks are interdicted by the coalition.

[108] Clay Dillow, "U.S. green lights sale of 600 Patriot missiles to Saudi Arabia", *Fortune*, 1 August 2015. Available from http://fortune.com/2015/08/01/u-s-patriot-missiles-saudi-arabia/.

85. Given that the final impact locations of the missiles and free-flight rockets cannot be accurately predicted owing to the inherent inaccuracy of these weapon systems,[109] it is not possible for the users to adequately distinguish between civilians and military objectives, making them indiscriminate by nature, which is a violation of international humanitarian law.[110] In this connection, the Panel considers the use by the Houthi-Saleh alliance of these weapon systems in attacks on civilian-populated areas to be a violation of international humanitarian law.[111]

Figures IV and V
Houthi fighters training on OTR-21 Tochka missile, 23 May 2015

Source: Confidential.
Note: The white container is used to deceive aerial reconnaissance.

H. Improvised explosive devices

86. There have been significant developments in the technology of improvised explosive devices and associated tactics. The introduction of the suicide improvised explosive device tactic by ISIL, especially in Aden and Mukalla, has resulted in a constant threat to government officials and military bases. There have been at least 23 person-borne improvised explosive device or suicide vehicle improvised explosive device attacks against government targets or individuals claimed by or attributed to ISIL to date. This suicide tactic has also been adopted by AQAP, which has claimed six improvised explosive device attacks to date (see annex 28).

87. The Panel has also identified major technological developments in the type of initiation systems since the previous analysis of improvised explosive device types[112] and new container designs to enhance target effects and/or avoid detection. These are summarized in table 5, with more technical information provided in annex 43.

[109] Figures IV and V illustrate the Houthi use of missiles.
[110] Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, vol. I, *Rules* (Cambridge, United Kingdom, International Committee of the Red Cross and Cambridge University Press, 2005), rule 71 (hereinafter "customary international humanitarian law").
[111] Ibid., rules 1, 7, 11 and 14.
[112] United Nations Development Programme, "IED threat assessment: Abyan", 1 February 2013 (limited United Nations distribution).

Table 5
Finds of significant improvised explosive device types, 2016

Date	*Location*	*Type*	*Likely attributable to*[a]
29 February	Ma'rib	Explosively formed projectile[b]	Houthis
16 March	Ta'izz	Disguised rock/minimal metal pressure pad	AQAP or Houthis
16 May	Mukalla	Explosively formed projectile radio-controlled device	AQAP
16 May	Mukalla	Directional-focused fragmentation charge[c] radio-controlled device	AQAP
18 June	Abyan	Directional-focused fragmentation charge radio-controlled device	AQAP
27 June	Mukalla	Person-borne suicide vest	AQAP
7 August	Aden	Under-vehicle device	AQAP
Unknown date in August	Ibb	Radio-controlled device with directional-focused fragmentation charge	Houthis
30 October	Saleh, Ma'rib	Passive infrared disguised rock	Houthis

[a] Based on the geographical location of forces.
[b] Also known as an explosively formed penetrator or self-forging fragment. In improvised explosive device use, an explosively formed projectile has a, normally, steel liner in the shape of a dish, which deforms upon the detonation of the explosive into a slug of metal. This accelerates to the target and then penetrates as a result of its kinetic energy. This differs from the hydrodynamic penetration effect of a shaped charge.
[c] A directional-focused fragmentation charge usually consists of ball bearings, or other pre-formed small pieces of fragmentation bound together with resin in a designed shape. Upon detonation, the fragmentation is projected in a narrow pattern and penetrates the target as a result of kinetic energy. The pattern is dependent on the design shape used.

88. It cannot be assumed that the use of this technology is the preserve of a single group owing to the movement of fighters, and thus the exchange of technical knowledge, between AQAP, ISIL, Houthi or Saleh forces and "resistance" forces loyal to the current President.

89. The Panel assesses that the introduction of this new technology into Yemen presents a major threat to peace, stability and security, even after any prospective peace process agreement. It is also effectively acting as a force multiplier for armed groups operating outside the control of the Government, reducing their current and future dependence on conventional weapons. The Panel considers that the improvised explosive device will remain the weapon of choice for any residual opposition to any future peace process. It is a weapon that can be used strategically to create a perception of insecurity and influence national will.

90. The deployment of improvised explosive devices in civilian areas violates international humanitarian law because such devices affect civilians and military objectives indiscriminately.[113]

[113] Customary international humanitarian law, rules 1, 7, 11 and 22.

I. Explosive remnants of war, mines and unexploded ordnance

91. The Panel continues to receive evidence of the use of mines by Houthi or Saleh forces and the use of integrated mine and improvised explosive device barrier belts (see annex 44).

V. Economic context and overview of finance

92. In accordance with its mandate, the Panel has researched the economic context in which individuals designated pursuant to resolutions 2140 (2014) and 2216 (2015) and their networks have continued to operate in violation of sanctions measures. In particular, the Panel has examined the flow of money, the transfer of wealth and the establishment of new proxies to finance military operations that threaten the peace, security or stability of Yemen. The continuing conflict has enabled new profiteers of war to emerge.

A. Impact of the conflict on public finances

93. The continuing conflict has provided opportunities for the Houthi and Saleh forces, AQAP and ISIL to explore new income streams in support of their war efforts and to secure tribal alliances. This includes access to State finances, oil and fuel supply and distribution systems and illegal taxation. Several prominent businesspeople have fled the country, providing an opportunity for the Houthis to take control of some significant private venture financial assets.

94. The overall financial situation is dire and has an impact on any direct financial responses to the developing humanitarian crisis. This is illustrated by the following:

(a) In April or May, Yemen defaulted on its international loan repayment obligations to private banking institutions;

(b) On 30 July, the International Monetary Fund (IMF) and the World Bank were requested by the President to freeze all overseas assets of the Central Bank;[114]

(c) The Central Bank reserves fell from a pre-war level of $4.05 billion in December 2014 to $1.56 billion in December 2015 to $0.7 billion in September 2016, and were predicted to be zero by 31 December;

(d) The Central Bank requires $372 million per year just to service its total overseas debt (including IMF and regional banks);

(e) All Central Bank income from oil and gas revenue and foreign investment ceased at the end of 2014;[115]

(f) In July, a liquidity crisis forced the Central Bank to initially suspend all public sector expenditure and the payment of public salaries;

[114] Letter leaked to the media. The Panel confirmed its authenticity after meeting a Yemeni ambassador and staff of IMF and the World Bank in August and September.

[115] In 2014, Yemeni revenue, according to the Ministry of Planning and International Cooperation, was $16.7 billion (38 per cent from oil and gas, 19.8 per cent from remittances, 12.8 per cent from foreign financial assistance and 11.4 per cent from direct investment in oil).

(g) Money supply into the economy from the Central Bank is not possible because the cash in individuals' possession has increased eightfold, from an equivalent of $103 million in 2014 to $884 million in January-June 2016.[116] This has entirely depleted the money supply in the banking system.

B. Houthi-Saleh financial networks: war profiteering and looting

95. The Panel found that the Houthi-Saleh alliance had greatly relied on the shadow economy to support its war efforts. The Houthi-Saleh financial partnership can be broadly summarized as follows:

(a) Houthi forces have been given complete control over northern Yemen, with the exclusion of the capital. This includes, but is not restricted to, control over land, crops, local taxation, fuel redistribution, humanitarian aid and taxation;[117]

(b) Saleh forces have reassumed control of the State finances, albeit under the guise of the Houthi banner, and reopened the black-market channels for trafficking in drugs, weapons and persons.

C. Funding available to the Houthis

96. The Panel found that the Houthis and their affiliates had taken advantage of the conflict to develop a wide range of income streams, including:

(a) Central Bank funding of Houthi-aligned armed forces and security agency salaries. A percentage of the salaries and funds intended to sustain units that are no longer functioning is diverted to individual Houthi commanders;

(b) Central Bank funding for the administrative support of Houthi-aligned armed forces and security agencies. This funding is still based on the national budget for 2014;[118]

(c) Tariffs from smugglers and profiteers operating in the black market;

(d) The imposition of a "business tax" of 20 per cent on the turnover of all commercial enterprises and all civil service salaries. This includes the khat trade, which accounts for 10 per cent of the gross domestic product. The national dependence on khat means that any movement of khat is effectively a cash transfer;

(e) The diversion of local authority taxation to a central Houthi authority;[119]

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[116] According to data from the Ministry of Planning and International Cooperation, *Yemen Socio-Economic Update*, issue No. 17, August 2016. Available from www.yemen.gov.ye/portal/mpic/الاصدارات/tabid/2574/Default.aspx.

[117] For a taxation example, see annex 45.

[118] The Sana'a-based ministry of defence continued to receive from the Central Bank the budget appropriation approved for fiscal year 2014 because no budget has since been approved. Several units have been disbanded because of the conflict, but their commanders, loyal to the Houthis, continued to receive funds for fuel and food for troops. Confidential military sources.

[119] See www.almotamar.net/pda/133407.htm. For background, see http://almashahid.net/news-937.html.

(f) Taxation of 4 rials per litre on all petroleum products, which generates an estimated 59.3 billion rials ($237 million) per year;[120]

(g) The exploitation of cell phone technology to raise funds, using biweekly messaging appeals.[121]

97. The Panel also identified the rise of a new and different network of proxies and affiliates around the Houthis. Since early 2012, new individuals have emerged, while old partnerships have been dissolved (see confidential annex 46).[122]

D. Al-Qaida in the Arabian Peninsula finances

98. AQAP gained a windfall revenue of $100 million while in control of Mukalla from April 2015 to April 2016.[123] This was obtained by looting the local branch of the Central Bank and through taxes levied on local oil smuggling networks. The Panel believes that AQAP continues to use that money to recruit new fighters and to finance new attacks.

VI. Asset freeze

99. Pursuant to paragraphs 11 and 21 (b) of resolution 2140 (2014), as extended in paragraph 5 of resolution 2266 (2016), the Panel has continued to gather, examine and analyse information regarding the implementation by Member States of asset-freeze measures. The Panel has continued to focus on the five listed individuals and on identifying and investigating other individuals and entities that may be acting on their behalf or at their direction and entities owned or controlled by them.

A. Ali Abdullah Saleh[124]

100. The Panel has continued to gather information on any assets owned or controlled by Ali Abdullah Saleh (YEi.003) further to those disclosed in its previous final report.

101. The Panel has identified two companies, Wildhorse Investments and the Wildhorse Corporation, that, although allegedly dissolved in June 2011, continued to make financial transfers until October 2011, when two transfers, of a total of $58,148,155, were made to an account held by Ali Abdullah Saleh's (YEi.003) son, Khaled Ali Abdullah Saleh. The Panel continues to track the assets.

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[120] Asa Fitch and Mohammed al-Kibsi, "Yemen's Houthi rebels face financial crisis", *Wall Street Journal*, 4 August 2015. Available from www.wsj.com/articles/yemens-houthi-rebels-face-financial-crisis-1438714980.

[121] See www.alhagigah.com (29 September 2016) and Mohammed al-Khayat and Yasser Reyes, "Yemen's Houthis rule with iron fist and economic distress", Media Line, 9 June 2016, available from www.themedialine.org/featured/yemens-houthis-rule-with-iron-fist-and-economic-distress/.

[122] Confidential sources.

[123] Yara Bayoumy, Noah Browning and Mohammed Ghobari, "How Saudi Arabia's war in Yemen has made Al-Qaeda stronger and richer", Reuters, 8 April 2016. Available from www.reuters.com/investigates/special-report/yemen-aqap/.

[124] For other Saleh affiliates, see confidential annex 47.

B. Khaled Ali Abdullah Saleh

102. The Panel has identified that Khaled Ali Abdullah Saleh operates as a financier acting on behalf and/or at the direction of his father, Ali Abdullah Saleh (YEi.003). Since the latter was listed on 7 November 2014, Khaled Ali Abdullah Saleh has acted to circumvent the asset-freeze measure and allow his father access to the funds necessary to maintain his capability to threaten the peace, security or stability of Yemen.

103. In its previous final report, the Panel presented documentary evidence that, on 23 October 2014, all the shares in Albula Limited and Weisen Limited belonging to Ali Abdullah Saleh (YEi.003) were transferred to Khaled Ali Abdullah Saleh. The Panel has now further investigated the transfers and identified additional evidence that indicates that the actual transfer of ownership took place on a date after the designation of Ali Abdullah Saleh (YEi.003) on 7 November 2014 (see annex 48). Although the two companies are registered in different countries, they are both managed by NWT Management S.A. in Geneva.[125] The register of members and share ledgers for both companies shows that Khaled Ali Abdullah Saleh acquired his shares in them from Ali Abdullah Saleh (YEi.003) on 23 October 2014. The Panel considers it more than a coincidence that these recorded transfers of shares in two companies, registered in two separate countries, took place on exactly the same day, in particular when the certificates of incumbency were signed on different dates, those dates being after the designation of Ali Abdullah Saleh (YEi.003) (see ibid., appendix A). Ali Abdullah Saleh (YEi.003) also transferred a fifth company, Foxford Management Limited, to his son during the same period. The Panel has evidence that Khaled Ali Abdullah Saleh received $33,471,993[126] and €734,786 from three of these companies, Albula Limited, Foxford Management Limited and Weisen Limited, between 24 and 29 October 2014 (see ibid., appendix B).

104. The Panel also has evidence that Khaled Ali Abdullah Saleh is the sole director of the company Trice Bloom Limited and the sole shareholder of the two companies that own it, all registered in the British Virgin Islands: Precision Diamond Limited and Unmatchable Limited (see ibid.). Trice Bloom Limited, or Khaled Ali Abdullah Saleh, made two transfers to accounts in two different Member States of $1,538,897 and $181,610, respectively, on 27 November 2014. This was after the listing of Ali Abdullah Saleh (YEi.003) on 7 November 2014.[127] Khaled Ali Abdullah Saleh also appointed Ahmed Ali Abdullah Saleh (YEi.005) as an authorized signatory to the accounts maintained by Trice Bloom Limited (see ibid., appendix C). Khaled Ali Abdullah Saleh is also the sole shareholder of a fourth company registered in the British Virgin Islands, Towkay Limited (see ibid., appendix D).

105. Khaled Ali Abdullah Saleh has transferred funds from Trice Bloom Limited and Towkay Limited to his accounts in Singapore and the United Arab Emirates

[125] Identified by tracing signatories on the documents shown in annex 48. The address is NWT Management S.A., 16 Rue de la Pelisserie, Geneva 1211, Switzerland. The registered postal address is 8-10 Rue Muzy, PO Box 3501, Geneva 1211, Switzerland. The website is www.newworldtrust.ch/.

[126] All sums have been rounded to nearest whole number. The exchange rates used are included in annex 48.

[127] Confidential document in the Panel's archive.

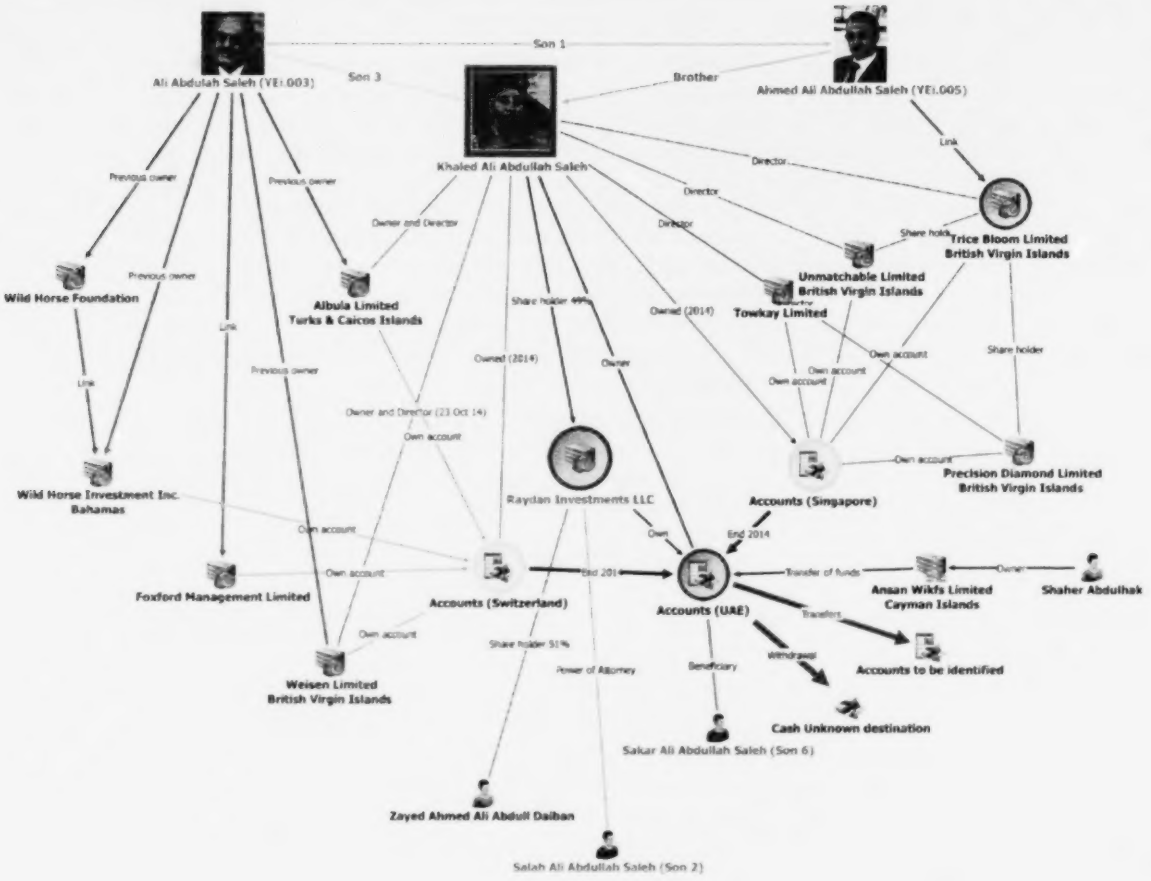
after the listing of Ali Abdullah Saleh (YEi.003). He has also used a dormant personal account in the United Arab Emirates to launder $83,953,782 within a three-week period from 8 December 2014. The funds were deposited into the account and then withdrawn over the same period (see ibid., appendix E).

106. He also transferred funds to another company, Raydan Investments Limited (see ibid., appendix F). The Panel has evidence that he is likely to have established that company in the United Arab Emirates as a vehicle for money-laundering activities for the benefit of designated individuals. The company ownership is split 51/49 per cent between a national of the United Arab Emirates, Zayed Ahmed Ali Abdull Daiban, and Khaled Ali Abdullah Saleh (see ibid., appendix G). The documents in the possession of the Panel indicate that Zayed Ahmed Ali Abdull Daiban is a "sponsor" partner, given that company law in the United Arab Emirates does not allow full ownership of companies by foreign nationals. Only Khaled Ali Abdullah Saleh and his brother, Salah Ali Abdullah Saleh, hold power of attorney for the company. Figure VI illustrates the financial links of Khaled Ali Abdullah Saleh to designated individuals.

107. Khaled Ali Abdullah Saleh transited through Oman early in 2016 and was observed making financial transactions.[128] The Panel has sent letters to Oman dated 22 February, 26 April, 17 May, 16 September and 19 October to request information on his assets and transactions. Responses are awaited.

[128] Confidential sources.

Figure VI
Links of Khaled Ali Abdullah Saleh and his assets with listed individuals



C. Shaher Abdulhak

108. Ansan Wikfs Limited, a company owned by Shaher Abdulhak, has made several transfers of funds equivalent to $3,024,494 to Raydan Investments Limited, of which $1,631,067 has been transferred since the listing of Ali Abdullah Saleh (YEi.003) (see annex 48, appendices H-J). The latest transfer of which the Panel is aware was on 24 April. The Panel has not identified business activities that can account for these transfers.

D. Ahmed Ali Abdullah Saleh

109. The Panel has to date identified assets to the value of $953,262 that belonged to Ahmed Ali Abdullah Saleh (YEi.005), which are being traced. The Panel has also identified assets of his that have been frozen (see table 6).

Table 6
Frozen assets of Ahmed Ali Abdullah Saleh (YEi.005)

Country	*Asset*	*Equivalent in United States dollars*	*Remarks*
Malaysia	1 bank account	780 658	Reported on 2 August as frozen on 22 March
United Arab Emirates	10 bank accounts	166 405	Reported on 11 February as frozen on 10 June
Total		**947 063**	

110. The Panel has received information from two Member States that have identified and frozen further assets and bank accounts belonging to Ahmed Ali Abdullah Saleh (YEi.005), totalling just in excess of $1 million. The Panel is also aware of a Member State that has frozen assets owned by an individual whom the Panel has grounds to believe was acting on his behalf.

E. Houthi designated individuals

111. The Panel has found no evidence that the three Houthis under asset-freeze measures, Abd al-Khaliq al-Houthi (YEi.001), Abdullah Yahya Al Hakim (YEi.002) and Abdulmalik al-Houthi (YEi.004), hold any bank accounts or assets outside Yemen.

VII. Travel ban

112. Pursuant to paragraph 15 of resolution 2140 (2014), the Panel continues to focus on a range of monitoring and investigation activities in order to identify whether the individuals designated by the Committee have violated the travel ban.

A. Ali Abdullah Saleh

113. Ali Abdullah Saleh (YEi.003) has made regular appearances in the media around Sana'a and has recently met the Special Envoy of the Secretary-General and other diplomats in Yemen. His most recent television interview was on 8 December, when he stated that, although he had not planned to attend the funeral ceremony at the Salah al-Kubra community hall, he had been passing close by at the time of the air strike.[129] He had delegated his son, Khaled, and his nephew, Tariq Muhammad

[129] See www.youtube.com/watch?v=9nrwBm6PU54.

Abdullah Saleh, to attend in his stead. Media affiliated to him reported that, on 27 October, he requested permission and a United Nations aircraft from the Security Council to travel to Cuba to attend the funeral of Fidel Castro.[130] The Committee did not receive a request.

B. Ahmed Ali Abdullah Saleh

114. The Panel has found no evidence that Ahmed Ali Abdullah Saleh (YEi.005) has left the United Arab Emirates. The Panel met a close confidante in the United Arab Emirates and learned that he was willing to meet the Panel but would require clearance from the national security services to do so.[131] The Panel offered him an opportunity to convey any messages directly to the Committee. According to the close confidante and the media, he was held under house arrest in the United Arab Emirates by the security services for about three months in late 2015.

C. Other designated individuals

115. The Panel has no evidence of any travel outside Yemen by Abd Al-Khaliq al-Houthi (YEi.001), Abdullah Yahya Al Hakim (YEi.002) or Abdulmalik al-Houthi (YEi.004). The last-mentioned individual was most recently seen on 11 December, when he gave a television address for the Prophet's birthday celebration.[132] Abdullah Yahya Al Hakim (YEi.002) was reported by local media to have visited Parliament in Sana'a on 5 December after rumours circulated that he had been a victim of an air strike in Ibb a week earlier.

116. The Panel has seen video footage from official media sources affiliated with the Houthis showing Abdullah Yahya Al Hakim (YEi.002) in Ta'izz on 24 November 2016.

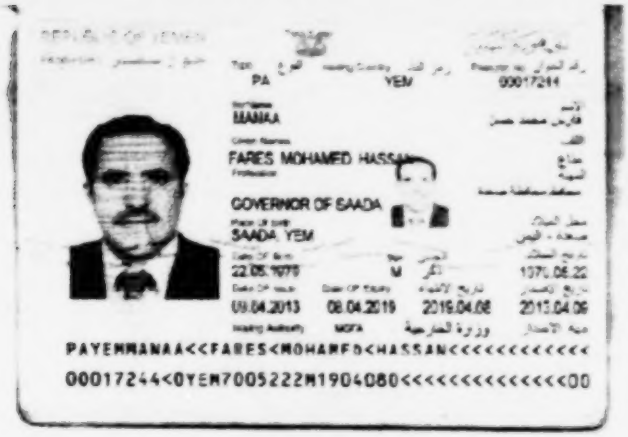
117. While investigating a potential violation of the arms embargo, the Panel identified that a designated individual, Fares Mohammed Mana'a (SOi.008), travelled to Brazil, the Czech Republic, Egypt and France in January 2015 using a diplomatic passport (see figure VII). The Panel has received information that he travelled to two African countries in October and November 2016. All the relevant evidence has been shared with the Monitoring Group on Somalia and Eritrea for its further investigation.

[130] See www.almotamar.net/pda/133659.htm.

[131] The Panel visited the United Arab Emirates from 15 to 23 October and met officials.

[132] See www.youtube.com/watch?v=q-xm0Z5fq9Q.

Figure VII
Diplomatic passport used by Fares Mohammed Mana'a



VIII. Acts that violate international humanitarian law and human rights law

118. In paragraph 9 of its resolution 2140 (2014), the Security Council called upon all parties to comply with their obligations under international law, including applicable international humanitarian law and human rights law. Paragraphs 17, 18 and 21 of resolution 2140 (2014), together with paragraph 19 of resolution 2216 (2015), further clarify the Panel's responsibilities with regard to investigations of violations of international humanitarian law and international human rights law and human rights abuses, and investigations into obstructions to the delivery of humanitarian assistance.

A. Incidents attributed to the coalition led by Saudi Arabia

119. The Panel investigated potential violations of international humanitarian law and international human rights law and other acts that may amount to threats to peace and security attributed to some States members of the coalition led by Saudi Arabia, both through air strikes and ground operations, details of which are provided below. The Panel has maintained the requisite high level of evidentiary standards in respect of each incident investigated and reported, even though it did not have physical access to Yemen.

1. Air strikes

120. The Panel investigated 10 air strikes that led to at least 292 civilian fatalities, including at least 100 women and children.[133] The strikes also destroyed three

[133] The Panel verified the data for seven incidents. Numbers 1, 6 and 10 are from United Nations and/or Médecins sans frontières data.

residential buildings, three civilian industrial factory complexes, a hospital and a marketplace (see table 7). Detailed case studies, which include assessments of compliance with international humanitarian law, are provided in appendices A to D to annex 49. Other case studies are with the Secretariat.

Table 7
Air strikes, 2016

	Date	*Location*	*Target*	*Type of explosive ordnance*	*Civilian casualties/ consequences*[a]	*Appendix to annex 49*
1	15 March	Hajjah	Civilian market	Mk 83 Bomb/ Paveway	106 dead, 41 injured	A
2	25 March	Ta'izz	Civilian residence	Not confirmed	10 dead	
3	25 May	Lahij	Civilian residence	Mk 82 Bomb/ Paveway	6 dead, 3 injured	B
4	25 May	Lahij	Water bottling plant	Mk 82 Bomb/ Paveway	No fatalities	
5	9 August	Sana'a	Food production facility	High explosive aircraft bomb	Repeat strike; 10 dead, 13 injured	
6	15 August	Hajjah	Hospital	GBU-12 Paveway II	19 dead, 24 injured	C
7	13 September	Sana'a	Water pump factory	Mk 82 Bomb/ Paveway IV	No casualties	
8	22 September	Sana'a	Water pump factory	GBU-24/ Paveway IV	Repeat strike	
9	24 September	Ibb	Residential complex	Mk 82 Bomb/ Paveway	9 dead, more than 7 injured	
10	8 October	Sana'a	Civilian funeral hall	GBU-12 Paveway II	132 dead, 695 injured	D

[a] All air strikes resulted in the complete or partial destruction of the objects.

2. Case summary: Sana'a community hall air strike[134]

121. On 8 October, at around 3.20 p.m., two air-dropped bombs detonated on, or in, the Salah al-Kubra community hall in a residential area of south-western Sana'a, where more than 1,000 mourners were attending the funeral of the father of the Sana'a-based acting minister of the interior. A significant number of Houthi-Saleh-affiliated military and political leaders were expected to attend.

[134] Included to demonstrate the technical and international humanitarian law methodology in all case studies.

Figure VIII
Location of attack

Source: The sources for all imagery pertaining to the case study are given in annex 49, appendix D.

Technical analysis of physical evidence

122. The Panel obtained and analysed post-blast original imagery of the available physical evidence and found that fragments had the shape profile, and fell within the dimensional parameters, of a fragment of fins and wings from a GBU-12 Paveway II guidance unit fitted to a Mark 82 high explosive aircraft bomb (see figures IX and X).

Figure IX
GBU-12 Paveway II guidance unit fin fragment in situ

Figure X
GBU-12 Paveway II guidance unit wing fragment showing manufacturer's Commercial and Government Entity code 3FU05[135]

123. The only party to the conflict known to have the capability to deliver a Mark 82 high-explosive aircraft bomb with a GBU-12 Paveway II guidance unit is the coalition led by Saudi Arabia.

124. The coalition did not respond to the Panel's request for information. The Joint Incident Assessment Team established by the coalition to "assess reported incidents of civilian casualties, investigation procedures and mechanisms of precision targeting" (see S/2016/100) attributed responsibility to the coalition.[136]

125. The Panel, having carried out technical and international humanitarian law assessments, finds that:

(a) The coalition conducted the air strike on the community hall in Sana'a that resulted in at least 827 civilian fatalities and injuries. At least 24 of the injured were children. The strike also resulted in the total destruction of the hall;

(b) Given the nature of the event and those in attendance, the attack resulted in a very high number of civilian casualties, which should have been anticipated before the attack.[137] The Panel is unconvinced that the relevant international humanitarian law requirements relating to proportionality were met;[138]

(c) The cumulative factors in (a) and (b) above also indicate that, if precautionary measures had been taken, they were largely inadequate and ineffective.[139] The Joint Incident Assessment Team also concluded that the relevant rules of engagement and procedures had not been followed and that those

[135] The code 3FU05 is assigned to the company Karlee Incorporated (United States). See www.karlee.com.

[136] Joint Incident Assessment Team press release.

[137] See the case study for information that should have formed the basis of any proportionality assessment.

[138] An attack that may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited under international humanitarian law (customary international humanitarian law, rule 14).

[139] International humanitarian law requires that all feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects. This obligation is particularly incumbent on those who plan and decide on the air strikes (customary international humanitarian law, rules 15-22).

responsible in the coalition "did not take in account the nature of the targeted area";[140]

(d) The second air strike, which occurred three to eight minutes after the first, resulted in more casualties to the already-wounded civilians and to the first responders. The coalition violated its obligations in respect of persons hors de combat and the wounded,[141] in what was effectively a "double-tap" attack probably caused by the tactics adopted by the pilots to guarantee the destruction of the target;[142]

(e) Even if an individual officer within the coalition acted negligently in carrying out the strike, coalition forces are still responsible for international humanitarian law violations.[143] An official acting against instructions may not be an adequate justification under broader international law for the relevant States members of the coalition to evade State responsibility for those wrongful acts;[144]

(f) Those government officers who reportedly passed the information,[145] or were otherwise involved in the intelligence-gathering and targeting processes in relation to this incident, may also be responsible for any international humanitarian law violations to the extent of their contribution.

3. Panel assessment relating to air strikes

126. None of the member States comprising the coalition that operated air assets provided the Panel with access to information on the events listed in table 7, its requests notwithstanding.[146] This is in non-compliance with paragraph 8 of resolution 2266 (2016).

127. In 8 of the 10 investigations, the Panel found no evidence that the air strikes had targeted legitimate military objectives.[147] For all 10 investigations, the Panel considers it almost certain that the coalition did not meet international humanitarian

[140] Joint Incident Assessment Team press release.

[141] Including common articles 1 and 3 of the Geneva Conventions of 12 August 1949.

[142] A "double-tap" attack is an event in which "multiple strikes take place in a short period of time". See Andrew Clapham, Paolo Gaeta and Marco Sassòli, eds., *The 1949 Geneva Conventions: A Commentary* (Oxford University Press, 2016).

[143] Customary international humanitarian law, rules 14-22.

[144] See article 7 of the articles on the responsibility of States for internationally wrongful acts, which states that "the conduct of ... a person or entity empowered to exercise elements of the governmental authority shall be considered an act of the State under international law if the ... person or entity acts in that capacity, even if it exceeds its authority or contravenes instructions". See also customary international humanitarian law, rule 139, which calls upon each party to the conflict to respect and ensure respect for international humanitarian law "by its armed forces and other persons or groups acting in fact on its instructions, or under its direction or control".

[145] Joint Incident Assessment Team press release.

[146] Letters dated 1 July and 21 November 2016.

[147] The exceptions being air strikes Nos. 1 and 10 in table 7. The use of precision-guided weapons in 8 of the 10 incidents indicated that the intended target was hit.

law requirements of proportionality and precautions in attack. The Panel considers that some of the attacks may amount to war crimes.[148]

128. In the investigation relating to Abs hospital (table 7, air strike No. 6) the Panel finds that the coalition violated principles relating to the protection of and respect for hospitals and medical personnel;[149] the protection of the wounded and sick;[150] and the protection of persons hors de combat[151] in its strike on the hospital.

129. All States whose forces engage in or otherwise participate in military operations on behalf of the coalition are responsible for "all acts committed by persons forming part of its armed forces".[152] These States "may not evade their obligations by placing their contingents at the disposal of an ad hoc coalition".[153] All coalition member States and their allies[154] also have an obligation to take appropriate measures to ensure respect for international humanitarian law by the coalition.[155] This obligation is especially incumbent upon the Government of Yemen, upon whose request and with those consent the air strikes are being conducted (see S/2015/217).

130. Those individuals responsible for planning, deciding on and/or executing air strikes[156] that disproportionately affect civilians and civilian infrastructure may fall

[148] Serious violations of international humanitarian law constitute war crimes (customary international humanitarian law, rule 156). See also William Boothby and Michael N. Schmitt, *The Law of Targeting* (Oxford University Press, 2012), on some legal aspects relating to bombardments.

[149] See customary international humanitarian law, rules 25 and 28. See also Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949, arts. 9 and 11.

[150] See common article 3 of the Geneva Conventions of 12 August 1949 and article 7 of the Additional Protocols thereto of 8 June 1977.

[151] Ibid.

[152] See updated commentary to common article 1 of the Geneva Conventions of 12 August 1949 at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=72239588AFA66200C1257F7D00367DBD#_Toc452378931. See also article 3 of the Hague Convention respecting the Laws and Customs of War on Land of 1907.

[153] See updated commentary to common article 1 of the Geneva Conventions of 12 August 1949.

[154] On the basis of the updated commentary to common article 1, "allies" may include those States that engage in "financing, equipping, arming or training" of the coalition armed forces for their engagement in Yemen and/or those States that plan, carry out and debrief operations jointly with the coalition. For the specific States that are involved, see para. 30.

[155] This obligation to respect and ensure respect under common article 1 of the Geneva Conventions of 12 August 1949 is not limited to those coalition States that actively participated in this air strike as stated in the updated commentary. "The duty to ensure respect ... is particularly strong in the case of a partner in a joint operation, even more so as this case is closely related to the negative duty neither to encourage nor to aid or assist in violations of the Conventions. The fact, for example, that a High Contracting Party participates in the financing, equipping, arming or training of the armed forces of a Party to a conflict, or even plans, carries out and debriefs operations jointly with such forces, places it in a unique position to influence the behaviour of those forces, and thus to ensure respect for the Conventions."

[156] In reference to those executing attacks, it is possible that the pilot of the aircraft may fire his or her weapons in reliance of the accuracy of the information that may have been previously provided to him or her. In these cases, the Panel finds that it is those commanders who plan and decide upon the air strikes, who have at their disposal the relevant information from a variety of sources, who have the responsibility to ensure compliance with international humanitarian law. See also William Boothby and Michael N. Schmitt, *The Law of Targeting* (Oxford University Press, 2012).

under the designation criteria contained in paragraph 17 of resolution 2140 (2014) as those who threaten the peace, security or stability of Yemen. Their acts may also fall under paragraph 18 of the resolution.

131. The Panel finds that violations associated with the conduct of the air campaign are sufficiently widespread to reflect either an ineffective targeting process or a broader policy of attrition against civilian infrastructure.[157]

4. Ground operations

132. The Panel investigated international humanitarian law violations relating to enforced disappearances of both suspected and/or actual AQAP affiliates/members carried out by the Hadrami Elite Forces in Mukalla. The Forces were created to counter the AQAP threat after the Government re-established control of the city in late April. While nominally under the command of the legitimate Government, they are effectively under the operational control of the United Arab Emirates, which oversees ground operations in Mukalla.[158]

133. The Panel investigated five incidents relating to six individuals who were forcibly disappeared after being arrested by the Hadrami Elite Forces between May and November.[159] One was detained at the Riyan airport and has subsequently been released.[160] Another was a professional tradesperson who undertook some technical work for AQAP while it was the de facto authority in the area. The other five have no known links to AQAP.

134. The Panel finds that, even if these individuals were associated with AQAP, the Government is obliged under international humanitarian law and international human rights law to ensure that the Hadrami Elite Forces, or any other forces operating on the ground under the authority and/or control and/or with the consent of the Government, comply with relevant legal requirements and procedural safeguards regarding deprivation of liberty.[161] This includes taking active steps to prevent disappearances, including through the regularization of the procedure relating to the registration of detainees and notification of whereabouts to family members.[162] Given that the United Arab Emirates also has ground forces operating in Mukalla, its Government has similar obligations. The United Arab Emirates has informed the Panel that the coalition has provided "military, financial and training assistance" and "intelligence, logistic information and aerial intervention" to the Hadrami Elite Forces, which are under the control of the legitimate Yemeni Armed Forces.

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[157] The United Nations, for example, recorded 987 incidents of air strikes on residential buildings, 31 on civilian factories, 27 on educational institutions and 16 on medical units in 2016. Information provided to the Panel on 19 December.

[158] Confidential sources.

[159] Ibid.

[160] Situation as at 2 December.

[161] See customary international humanitarian law, rules 98, 99, 117 and 123. See also Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949, arts. 4 and 5, and International Covenant on Civil and Political Rights, arts. 9, 10, 17 and 26.

[162] Ibid., and customary international humanitarian law, rule 99.

B. Incidents attributed to Houthi and Saleh forces: violations associated with deprivation of liberty[163]

135. The Panel investigated 12 incidents relating to deprivation of liberty by Houthi security agencies. Violations of international humanitarian law and human rights norms[164] were widespread and are summarized in table 8.

Table 8
Houthi violations associated with deprivation of liberty

	Past or most recent place of detention	*Detention period*	*Restricted external communications*	*Denial of arrest reasons*	*No formal charges*	*No opportunity to challenge detention*	*Torture*	*Ill treatment*	*Death as a result of captivity Custody*	*Exposure to air strikes*	*Denial of access to medicines*	*Remarks*
1	Ibb	8 days	X	X	X	X	X	X	X		X	Mechanic
2	Amran	2 years	X	X	X	X	X	X		X	X	Injured by air strike in detention — university student
3	Central, Sana'a	4 months	X	X	X	X	X	X				Escaped — child
4	Central, Sana'a	8 months	X	X	X	X		X		X	X	Social media activist
5	Habrah, Sana'a	9 months	X	X	X	X			X		X	University student
6	Saref, Sana'a	11 days	X	X	X	X						Housewife
7	Saref, Sana'a	3 weeks	X	X	X	X				X		Community leader
8	Saref, Sana'a	More than 3 months	X	X	X	X				X		Community leader
9	Saref, Sana'a	More than 3 months	X	X	X	X				X		Community leader
10	Saref, Sana'a	4 months	X	X	X	X				X		Community leader
11	Saref, Sana'a	2 months	X	X	X	X				X		Community leader
12	Central, Sana'a	More than 3 years	X	X	X	X	X	X			X	Trial continuing

[163] Table 8 details violations, including those under rules 22, 87, 90, 98 99, 117, 118 and 123. Details of some of these cases are provided in confidential annex 50.

[164] It is increasingly accepted that non-State actors, especially if they exercise government-like functions and have de facto control over a territory, should respect human rights standards when their conduct affects the human rights of the individuals under their control. See A/HRC/33/38, para. 10; A/HRC/29/51, para. 30; A/HRC/10/22, para. 22; S/PRST/2014/20; A/HRC/21/50, para. 134 and annex II, para. 10; A/HRC/22/33; and A/HRC/14/24, para. 46 (c).

136. The violations listed in table 8 occurred in 11 detention centres. The Panel also documented more than 50 verified cases of international humanitarian law violations associated with deprivation of liberty in eight governorates.[165] The Panel finds that these violations are both recurrent and widespread in detention centres under Houthi control. Although there is ample evidence in the public domain of these violations (see annex 50), the Panel is unaware of a single criminal prosecution or disciplinary action brought against any Houthi agent who caused or contributed to these violations.

137. The Panel has also identified a trend of individuals, including migrants and children, being preventively detained for fear that they may engage in combat in the future, also in violation of their due process rights.[166]

138. The Panel finds that these violations associated with deprivation of liberty are sufficiently widespread as to reflect a wider policy. Consequently, individuals responsible for committing these serious violations, as well as their leaders, fall within the designation criteria set out in paragraph 17 of resolution 2140 (2014) as those who threaten peace and security of Yemen. Their acts may also fall under paragraph 18 of the resolution. Some of these violations are war crimes.[167] An overview of the detention facilities and those responsible is provided in annex 21.

C. Use of explosive ordnance in populated areas

139. The Panel documented four incidents of the use of explosive ordnance (see table 9) and continues to investigate two other incidents that involved explosions[168] in densely populated areas in Ta'izz (see annex 51), which together caused 27 civilian deaths[169] and damage to a residential building, a school, a hospital and three marketplaces.

[165] Information provided by victims, families, local and international non-governmental organizations, human rights activists and lawyers. The United Nations documented at least 174 arbitrary "arrests" by the Houthi forces in 2016 (as at 19 December).

[166] Confidential sources.

[167] For example, grave breaches of the Geneva Conventions of 12 August 1949 are war crimes. The commission of torture is a grave breach. See common article 3 of the Geneva Conventions of 12 August 1949 and customary international humanitarian law, rule 156.

[168] The two other incidents pertained to the explosion at Bab al-Kabir, on 3 June, which killed at least 12 individuals and wounded some 100 others, and the explosion at a school in Shami neighbourhood, on 7 June, which killed five people, including four women and children.

[169] Of these, the Panel verified the numbers for four incidents. For one, involving mass casualty figures, the Panel relies on United Nations and Médecins sans frontières data.

Table 9
Explosive ordnance use in densely populated areas, 2016

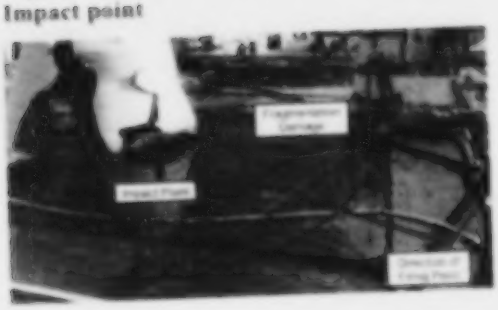
	Date	Location	Impact	Explosive ordnance	Casualties/contemporaneous	Annex 51
1	3 June	Jamal Street	Market	Free-flight rocket	More than 2 injured	A
2	18 September	Revolution Hospital	Hospital	Mortar bomb	Damage to essential infrastructure	
3	3 October	Bi'r Bashah	Market	Mortar bomb	10 dead, more than 17 injured	
4	15 November	Shamsin neighbourhood	Residential building	Mortar bomb	1 injured	

140. The Panel used technical analysis to identify that attacks Nos. 1, 2 and 4 in table 9 were launched from eastern Ta'izz, which is under the control of Houthi or Saleh forces.

I. Case study summary: attack on Revolution Hospital[170]

141. On 28 September at 9.15 p.m., explosive ordnance detonated on the roof of the staff residential building at the Revolution Hospital, damaging the solar panels and water storage tanks. The Panel finds that the mortar bombs were fired from an area under the control of the Houthi or Saleh forces.

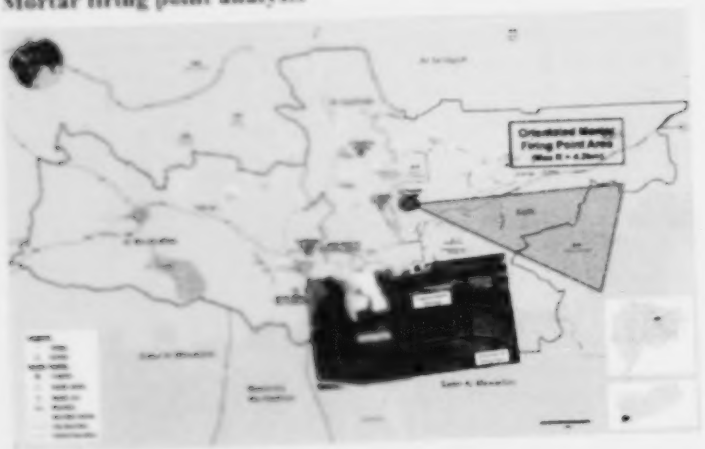
Figure XI
Impact point



[170] Included to demonstrate the technical and international humanitarian law methodology in all case studies.

Figure XII
High explosive mortar bomb tail fin

Figure XIII
Mortar firing point analysis



142. The Panel finds that:

(a) It is almost certain that the Houthi or Saleh forces were responsible for the attack;

(b) The hospital and its medical personnel are protected from attack under international humanitarian law.[171] There is no demonstrable evidence to indicate that at the time of the attack they had lost that protected status.[172] The hospital staff deny receiving any communication that would have constituted the warning required under international humanitarian law;[173]

(c) It is certain that the Houthi-Saleh fighters knew the location of the hospital and therefore that any mortar bombs fired into the vicinity would have a high likelihood of damaging the hospital and posing a risk to its staff, the wounded and sick and civilians.

[171] Customary international humanitarian law, rules 25 and 28.
[172] Ibid.
[173] Customary international humanitarian law, rule 28.

(d) On the basis of the foregoing, it is highly likely that principles relating to international humanitarian law on distinction, proportionality and precautions in attack were not met.

2. Panel assessment relating to ground operations

143. The Houthi and Saleh forces have not provided the Panel with access to information on the four events listed in table 9. In all the investigations, the Panel finds it highly unlikely that the Houthi or Saleh forces met international humanitarian law requirements of proportionality and precautions in attack. Some of these attacks may also amount to war crimes.[174]

144. The proliferation of explosive remnants of war continues to pose a major risk to civilians (see annex 44), and the Panel finds that this also heavily constrains the safe return of the displaced to their homes.

145. The Panel finds that individual commanders whose forces continue to engage in the above acts fall within the designation criteria set out in paragraph 17 of resolution 2140 (2014) as those who threaten peace and security in Yemen. Their acts may also fall under paragraph 18 of the resolution. For more information on those with command responsibility for the Houthi and Saleh forces in Ta'izz, see paragraph 42 and annexes 21 and 25.

D. Recruitment and use of children in armed conflict

146. Houthi and Saleh forces, AQAP and armed groups associated with the legitimate Government all continue to recruit and use children in armed conflict.[175] The coalition led by Saudi Arabia provided the Panel with a list of 52 children in its custody and access to alleged child soldiers recruited by the Houthis. Saudi Arabia informed the Panel that 52 children had subsequently been handed over to the legitimate Government and transported to Ma'rib.

147. The Panel investigated a case of a 16-year-old child who was captured by the Houthi forces and severely tortured and disfigured on suspicion of being a fighter (see confidential annex 50).

148. Repeated findings of child recruitment and use by Houthi and Saleh forces by the United Nations (see A/70/836-S/2016/360 and Add.1) indicate that the Houthi-Saleh leaders are aware of these violations and have failed to implement effective measures to prevent them.

E. Intolerance and discrimination against religious minorities

149. The Panel documented cases relating to persons of the Baha'i faith who were deprived of their liberty or arrested in a manner that did not respect due process. The information relating to these cases is included in confidential annex 50. The deprivation of liberty of a group of individuals on account of their faith-based

[174] Serious violations of international humanitarian law constitute war crimes (customary international humanitarian law, rule 156).

[175] Multiple sources.

activities violates several human rights norms.[176] The Panel has identified an individual responsible for the incidents.

F. Incidents attributed to the Government

1. Forced deportation of civilians

150. On 8 May, security personnel began to forcibly displace individuals working or residing in Aden who were from the north.[177] Local authorities supported this move as a security initiative to curb continuing assassinations and violence in the area.

151. On or about 9 May, the President issued a statement in which he condemned the deportations and instructed the Governors of Aden, Lahij and Dali' to urgently act to halt regional incitement and forced evictions.[178]

152. The Panel finds that, although the expulsions were implemented at the local level, they were almost certainly indicative of a wider governorate-level policy within Aden. The Panel has identified those responsible for the implementation of this policy.

153. The Panel subsequently investigated another incident relating to the forced deportation of three workers from a factory in Lahij to Ta'izz on or about 12 May. The Yemeni military forcefully removed them from their workplace and transported them to the "north" of Yemen. One worker was given time to go to Aden, before being deported, to enable him to relocate his family to the north. This incident violates several provisions of international humanitarian law and international human rights law, including the rights relating to occupation, prohibition of forced displacement and discrimination.[179] The Panel has identified the commander in Lahij responsible for these deportations.

154. The Panel finds that actual or perceived discrimination against "northerners" continues in Aden. This discrimination and incidents of deportation risk undermining the legitimacy of the local authorities and may obstruct national and international efforts to establish the local security and governance needed for a durable solution. Individuals and entities engaging in serious practices of this nature fall within the designation criteria in paragraph 17 of resolution 2140 (2014) as those who threaten peace and security in Yemen. Their acts may also fall under paragraphs 18 (a) and (c) of the resolution.

[176] Universal Declaration of Human Rights, arts. 2, 7, 18, 19 and 20.

[177] Multiple individuals who were deported.

[178] Rua'a Alameri, "Yemen leader slams civilian evictions in south", Al Arabiya, 9 May 2016, available from http://english.alarabiya.net/en/News/middle-east/2016/05/09/Yemen-leader-slams-civilian-expulsions-from-Aden-.html; and "Aden officials backtrack on controversial deportation campaign", The New Arab, 11 May 2016, available from www.alaraby.co.uk/english/news/2016/5/11/aden-officials-backtrack-on-controversial-deportation-campaign.

[179] See Additional Protocol II of 8 June 1977 to the Geneva Conventions of 12 August 1949, art. 17 (1), and customary international humanitarian law, rules 87, 88 and 129. See also International Covenant on Civil and Political Rights, arts. 17, 25 and 26.

2. Obstructions to provision of medical services

155. The Panel documented 18 attacks against hospitals in Yemen in 2016 (see annex 52). International humanitarian law requires parties to take measures to ensure that medical units, transport and personnel are respected and protected during a conflict. The Panel recorded three incidents in Ta'izz in which armed men threatened staff and disrupted life-saving treatment with the aim of compelling staff to accord priority to the medical treatment of their wounded (see confidential annex 53). The hospitals were in areas under the control of the "resistance". The Panel notes that compelling a person engaged in medical activities to perform acts contrary to medical ethics is prohibited under international humanitarian law.[180]

IX. Obstruction of humanitarian assistance

156. Pursuant to paragraph 19 of resolution 2216 (2015), the Panel continues to investigate the obstruction of the delivery of humanitarian assistance to Yemen or access to, or distribution of, humanitarian assistance in Yemen.

A. Obstruction of deliveries of humanitarian assistance

157. The Panel finds that insecurity arising from recent attacks on commercial vessels (see paras. 33 and 37), higher war risk insurance costs, issues relating to currency exchange[181] and the seizure, detention and diversion of some commercial vessels[182] have an adverse impact on the distribution of commercial food supplies. Some of these vessels also carry humanitarian assistance. This places a heavy burden on humanitarian actors to bring additional aid into Yemen to meet needs.[183] Before the conflict, Yemen relied on other countries for 90 per cent of its food supplies.

158. The other factor placing a similar burden on humanitarian actors is the provision of medical supplies. The humanitarian country team assesses that the restrictions on access to the international airport in Sana'a affecting commercial flights initiated by the coalition in August left more than 6,500 people unable to access medical care.[184] Yemenia Airways estimates that at least one third of passengers were travelling abroad to seek medical care, often for chronic diseases

[180] Customary international humanitarian law, rule 26.

[181] Notification by wheat importer that it will stop importing wheat to Yemen. Document in the possession of the Panel.

[182] Ahmad Ghaddar, Ron Bousso and Dmitry Zhdannikov, "Tankers seized in Yemen port, risking deeper import crisis", Reuters, 15 September 2016. Available from www.reuters.com/article/us-yemen-oil-exclusive-idUSKCN11K2BQ.

[183] The prices of wheat flour and sugar were about 25 per cent higher in November on average across Yemen than before the conflict. The volume of fuel imported in November was only 40 per cent of the country's monthly requirements. See Jonathan Saul and Maha El Dahan, "Yemen traders halt new wheat imports as famine approaches", Reuters, 16 December 2016. Available from www.reuters.com/article/us-yemen-food-exclusive-idUSKBN1450H6.

[184] Office for the Coordination of Humanitarian Affairs, "2017 Humanitarian needs overview: Yemen", November 2016. Available from www.humanitarianresponse.info/system/files/documents/files/yemen_2017_hno_final_1.pdf.

for which treatment in Yemen had become almost non-existent, in part owing to import difficulties.[185]

B. Obstructions to the distribution of humanitarian assistance

159. The Panel finds that all parties to the conflict obstructed the distribution of humanitarian assistance. At the request of its sources, and with due consideration for the sensitivities relating to humanitarian access on the ground, information on 29 incidents is provided in confidential annex 54.

X. Recommendations

160. The Panel has no further recommendations in addition to those already made in its final report for 2015 (S/2016/73) and its midterm update to the Committee.

[185] Ibid.

Annex 1: 'The opportunity to reply' methodology used by the Panel

1. Although sanctions are meant to be preventative not punitive, it should be recognized that the mere naming of an individual or entity[1] in a Panel's report, could impact adversely on the fundamental human rights and reputation of the person. As such, the Panel decided to allow individuals concerned with an opportunity to provide an alternative narrative and to provide concrete and specific information/material to support the narrative. Through this interaction, the individual is given the opportunity to demonstrate that their conduct does not fall within the relevant listing criteria. This is called the 'opportunity to reply'.

2. The Panel's methodology on the opportunity to reply is as follows:

(a) Providing an individual with an 'opportunity to reply' should be the norm;

(b) An individual may be denied an opportunity to reply if the Panel concludes based on credible evidence that there is a fear that doing so would:

(i) Result in the individual moving assets if they get advance warning of a possible recommendation for designation;

(ii) Restrict further access of the Panel to vital sources;

(iii) Endanger Panel sources or Panel members;

(iv) Adversely and gravely impact humanitarian access for humanitarian actors in the field; or

(v) For any other reason that can be clearly demonstrated as reasonable and justifiable in the prevailing circumstances.

3. Unless any of 2 (b) (i) to (v) above applies, members of the Panel should be in a position to provide an individual an opportunity to reply. The individual should be able to communicate directly with the Panel to convey their personal determination as to the level and nature of their interaction with the Panel.

4. Interactions between the Panel and the individual should be direct, unless in exceptional circumstances.

5. In no circumstances can third parties, without the knowledge of the individual, determine for the individual its level of interaction with the Panel.

6. The individual, on the other hand, in making their determination of the level and nature of interaction with the Panel, may consult third parties or allow third parties (for example, legal representative or his government) to communicate on his/her behalf on subsequent interactions with the Panel.

7. The key point is that the Panel, at the conclusion of its investigations, is able to directly communicate with the individual to afford the 'opportunity to reply' to allegations against him/her. Some possible differences between a right of reply (after designation) and the opportunity to reply (before designation) are as shown in table 1.1.

[1] Hereinafter just the term individual will be used to reflect both.

Table 1.1
Right of Reply versus Opportunity to Reply

Question	*Right of Reply*[2]	*Opportunity to Reply*
Who is the responsible entity?	A duly appointed focal person/ombudsperson with the ability to provide an effective remedy.	The Panel
When should the right of reply/ opportunity to reply be given?	After the individual is designated.	If possible before an individual is named in the report as having violated the sanctions regime and definitely before a confidential recommendation is made to the Sanctions Committee recommending designation.
What are the objectives sought to be achieved?	To afford the individual the ability to contest the listing/designation. It is up to the relevant competent body to decide the extent of information shared with the individual, but it should be sufficiently detailed to enable him to prepare an informed response.	To allow the Panel to complete its investigation and to ensure that the individual does not have an alternative narrative that requires investigation prior to a recommendation for designation.
What information should be shared with the individual/entity?	Nature of allegations that form the basis of the summary of evidence and other information deemed necessary by the competent authority.	Sufficient information on the activities being investigated. Outline of allegations against individuals to enable them to provide an informed response to these allegations. Sufficient information on possible violations.

[2] This table is aimed to illustrate the differences between the opportunity to reply when compared to the right of reply and is not an authoritative statement on the nature and scope of the right to reply, which is within the competence of other bodies/entities, such as the Council in the event of a designation.

Annex 2: Violations relating to IHL, IHRL, and acts that constitute human rights abuses investigative methodology

1. The Panel adopted the following stringent methodology to ensure that its investigations met the highest possible evidentiary standards, despite it being prevented from visiting Yemen. In doing so it has paid particular attention to the "Informal Working Group on General Issues of Sanctions Reports", S/2006/997, on best practices and methods, including paragraphs 21, 22 and 23, as requested by paragraph 11 of resolution 2266 (2016).

2. The Panel's methodology, in relation to its investigations concerning IHL, IHRL and human rights abuses, is set out as below:

(a) All Panel investigations are initiated based on verifiable information being made available to the Panel, either directly from sources or from media reports.

(b) In carrying out its investigations on the use of explosive ordnance, the Panel relies on at least three or more of the following sources of information:

(i) At least two eye-witnesses or victims;

(ii) At least one individual or organization (either local or international) that has also independently investigated the incident;

(iii) If there are casualties associated with the incident, and if the casualties are less than ten in number, the Panel obtains copies of death certificates and medical certificates. In incidents relating to mass casualties, the Panel relies on published information from the United Nations and other organizations;

(iv) Technical evidence, which includes imagery of explosive events such as the impact damage, blast effects, and recovered fragmentation. In all cases, the Panel collects imagery from at least two different and unrelated sources. In the rare cases where the Panel has had to rely on open source imagery, the Panel verifies that imagery by referring it to eyewitnesses or by checking for pixilation distortion;

a. In relation to air strikes, the Panel often identifies the responsible party through crater analysis or by the identification of components from imagery of fragmentation; and

b. The Panel also analyses imagery of the ground splatter pattern at the point of impact from mortar, artillery, or free flight rocket fire to identify the direction from which the incoming ordnance originated. This is one indicator to assist in the identification of the perpetrator for ground fire when combined with other source information.

(v) The utilisation of open source or purchased satellite imagery wherever possible, to identify the exact location of an incident, and to support analysis of the type and extent of destruction. Such imagery may also assist in the confirmation of timelines of the incident;

(vi) Access to investigation reports and other documentation of local and international organizations that have independently investigated the incident;

(vii) Other documentation that supports the narrative of sources, for example, factory manuals that may prove that the said factory is technically incapable of producing weapons of the type it is alleged to have produced;

(viii) In rare instances where the Panel has doubt as to the veracity of available facts from other sources, local sources are relied on to collect specific and verifiable information from the ground. (For example, if the Panel wished to confirm the presence of an armed group in a particular area);

(ix) Statements issued by or on behalf of a party to the conflict responsible for the incident; and/or

(x) Open source information to identify other collaborative or contradictory information regarding the Panel's findings.

(c) In carrying out its investigations on deprivation of liberty and associated violations the Panel relies on the following sources of information:

(i) The victims, where they are able and willing to speak to the Panel, and where medical and security conditions are conducive to such an interview;

(ii) The relatives of victims and others who had access to the victims while in custody. This is particularly relevant in instances where the victim dies in custody;

(iii) Interviews with at least one individual or organization (either local or international) that has also independently investigated the incident;

(iv) Medical documentation and, where applicable, death certificates;

(v) Documentation issued by prison authorities;

(vi) Interviews with medical personnel who treated the victim, wherever possible;

(vii) Investigation and other documentation from local and international organizations that have independently investigated the incident. The Panel may also seek access to court documents if the detainee is on trial or other documentation that proves or disproves the narrative of the victim;

(viii) Where relevant, the Panel uses local sources to collect specific and verifiable information from the ground, for example, medical certificates;

(ix) Statements issued by the party to the conflict responsible for the incident; and/or

(xx) Open source information to identify other collaborative or contradictory information regarding the Panel's findings.

(d) In carrying out its investigations on other violations, including forced displacement and threats against medical workers, the Panel relies on information that includes:

(i) Interviews with victims, eyewitnesses, and direct reports where they are able and willing to speak to the Panel, and where conditions are conducive to such an interview;

(ii) Interviews with at least one individual or organization (either local or international) that has also independently investigated the incident;

(iii) Documentation relevant to verify information obtained;

(iv) Statements issued by the party to the conflict responsible for the incident; and/or

(v) Open source information to identify other collaborative or contradictory information regarding the Panel's findings.

(e) The standard of proof is met when the Panel has reasonable grounds to believe that the incidents had occurred as described and, based on multiple corroboratory sources, that the responsibility for the incident lies with the identified perpetrator. The standard of proof is "beyond a reasonable doubt".

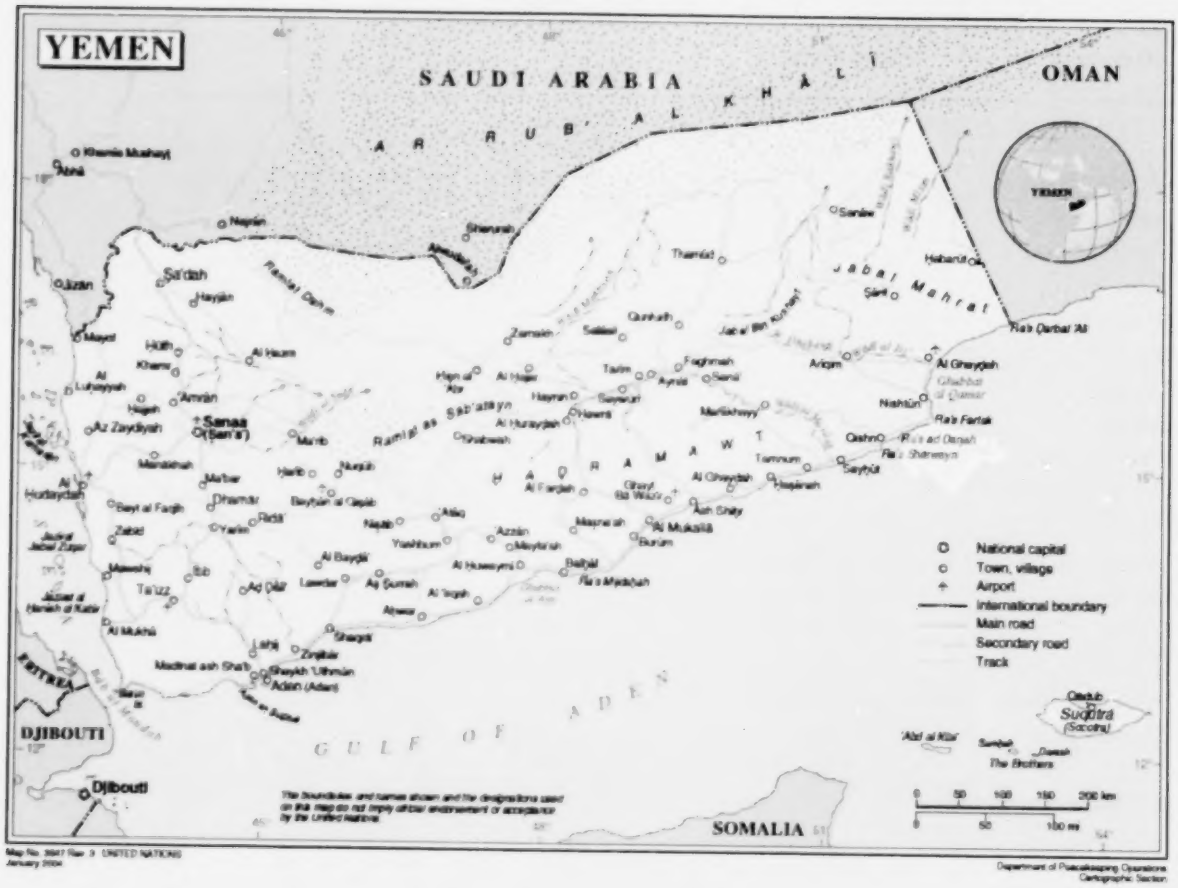
(f) Upon completion of its investigation, wherever possible, the Panel provides those responsible with an opportunity to respond to the Panel's findings in so far as it relates to the attribution of responsibility. This is undertaken in accordance with the Panel's standard methodology on the opportunity to reply. Generally, the Panel would provide detailed information in any opportunity to respond, including geo-locations. However, detailed information on incidents are not provided when there is a credible threat that it would threaten Panel sources, for example, in violations related to depravation of liberty, violations associated with ground strikes on a civilian home, or in violations associated with children.

(g) If a party does not provide the Panel with the information requested, then the Panel will consider whether this is of sufficient gravity to be considered as non-compliance with paragraph 8 of resolution 2266 (2016), and thus consideration for reporting to the Committee.

3. The Panel will not include information in its reports any information that may identify or endanger its sources. Where it is necessary to bring such information to the attention of the Council or the Committee, the Panel may include more source information in confidential annexes.

4. The Panel will not divulge any information that may lead to the identification of victims, witnesses, and other particularly vulnerable Panel sources, except: 1) with the specific permission of the sources; and 2) where the Panel is, based on its own assessment, certain that these individuals would not suffer any danger as a result. The Panel stands ready to provide the Council or the Committee, on request, with any additional imagery and documentation to supports the Panel's findings beyond that included in its reports. Appropriate precautions will be taken though to protect the anonymity of its sources.

Annex 3: UN Geographic Information Systems (GIS) map (place name identification)



Annex 4: Summary of Panel correspondence (2016)

Table 4.1
Correspondence with Member States

Member State	*Number of letters sent by the Panel*	*Number of unanswered letters by Member State*
Australia	3	1[3]
The Bahamas	2	2
Bahrain	1	1
Belgium	1	
Brazil	4	
Bulgaria	2	
Canada	1	
China	3	
Czech Republic	1	
Djibouti	2	1
Democratic People's Republic of Korea	1	1
Egypt	2	
France	2	1
Hungary	1	1
Islamic Republic of Iran	7	7
Isle of Man	1	
Italy	2	
Jordan	4	2
Kuwait	1	1
Liechtenstein	1	
Malaysia	2	
Morocco	3	
Netherlands	2	
Oman	5	5
Qatar	1	1
Romania	1	1
Russian Federation	5	
Saudi Arabia	21	12
Singapore	2	
Spain	1	
The Sudan	2	2
Switzerland	4	

[3] Holding reply only received to date.

Member State	*Number of letters sent by the Panel*	*Number of unanswered letters by Member State*
United Arab Emirates	18	3
United Kingdom of Great Britain and Northern Ireland	2	2
United States of America	5	3
Yemen	13	1
Total	**129**	**48**

Table 4.2
Correspondence with the ministry of foreign affairs in Yemen

Entity	*Number of letters sent by the Panel*	*Number of unanswered letters by entity*
MFA Yemen in Sana'a	5	5
Total	**5**	**5**

Table 4.3
Correspondence with commercial companies

Commercial company	*Number of letters sent by the Panel*	*Number of unanswered letters by company*
Al Rams Trading (UAE)	1	
Al Thuraya Tower Trading (UAE)	1	
Amir Mizraei(UAE)	1	
Arab Bank (UAE)	1	
Arsenal Joint Stock Company (Bulgaria)	1	
Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) (Regional, Senegal)	1	1
Caracal (UAE)	1	
Citibank (UAE)	1	
CITIGROUP (USA)	1	1
Commercial Bank of Dubai (UAE)	1	
Cygnus Telecom (UAE)	2	
Deutsche Bank	1	
Dubai Islamic Bank (UAE)	1	
EDO MBM (UK)	1	
Emirates National Dubai Bank (UAE)	1	

Commercial company	*Number of letters sent by the Panel*	*Number of unanswered letters by company*
First Gulf Bank (UAE)	1	
Instlaza (Spain)	1	
International Commercial Bank (UAE)	1	
Jetworks (UK)	1	
Lockheed Martin (USA)	1	1
Mobile Yemen (Yemen)	1	1
Mediterranean Shipping Company (Switzerland)	1	
National Bank of Abu Dhabi (UAE)	1	
Noor Bank (UAE)	1	
PGW Defence (Canada)	1	
Raytheon (UK)	1	1
SAMCO (Netherlands)	1	
Taurus (Brazil)	1	
Thuraya (UAE)	1	
Zastava (Serbia)	1	
Total	**32**	**5**

Annex 5: Acting government under the control of the Houthis (to 28 November 2016)

1. Until 28 November 2016, the Houthis managed to keep the ministries in Sana'a operational under the authority of previous members of the cabinet who chose to cooperate with them. One example being Major General Jalal al-Rowayshan who kept his post of minister of interior after President Hadi left Sana'a. Those who chose to cooperate kept their titles as minister or deputy ministers. The Houthis also appointed additional members with the title of 'charge d'affaires'. The acting cabinet comprised of 33 members chaired by Talal Aqlan.

Figure 5.1
Image of the official webpage of the prime ministry with Talal Aqlan as the acting prime minister

Source: http://www.yemen.gov.ye/portal/gov/الحكومة/tabid/984/Default.aspx. This page was saved by the Panel before it was removed and replaced by the current "cabinet of national salvation", see below.

Table 5.2
List of the acting council of government up to 28 November 2016 (English)

Ser	*Name*	*Cabinet rank*	*Position of responsibility*
1	Talal Abdelkarim Aqlan	head	head of government
2	Major General Jalal Al Rowayshan	minister	interior
3	Ghaleb Abdullah Motlaq	minister of state	implementation of NDC outcomes
4	Hassan Mohamed Zaid	minister of state	member of council of ministers
5	Ahmed Mohamed Ashami	minister	civil service and insurance
6	Abdurrahman al Mokhtar	minister / chargé d'affaires	legal affairs
7	Mohsein Ali Annaqib	deputy minister	industry and commerce
8	Abdullah Abdı al Hamdı	deputy minister	education
9	Mathar al Abbassı	deputy minister	planning and international cooperation
10	Hadi Ablan	deputy minister	culture
11	Ahmed al Aqida	deputy minister	justice
12	Mosleh Mohsein al A'zir	deputy minister	communications and information technology
13	Khaled al Houali	deputy minister	professional and technical learning
14	Hassan Zaid ben Yahya	deputy minister	youth and sport
15	Abdussalam Ahmed Addal'l	minister / chargé d'affaires[a]	local administration
16	Mohamed Ali Siwar	secretary-general / chargé d'affaires	council of ministers
17	Mohamed Abdullah Hajar	minister / chargé d'affaires	foreign affairs
18	Mohamed Nasser al Janad	minister / chargé d'affaires	finance
19	Yahya al A'jam	minister / chargé d'affaires	oil and minerals
20	Abdulmalik al Jawlahi	minister / chargé d'affaires	general labour and roads
21	Abdullah Basunbul	minister / chargé d'affaires	fisheries
22	Ahmed Nasser al Hammati	minister / chargé d'affaires	education
23	Ali Saleh Taissir	minister / chargé d'affaires	human rights
24	Abdu Mohamed al Hukaimi	minister / chargé d'affaires	social affairs and justice
25	Abdulkarim Arrawdi	minister / chargé d'affaires	higher education and social research

[a] Although titled chargé d'affaires these individuals also had ministerial responsibility.

Ser	*Name*	*Cabinet rank*	*Position of responsibility*
26	Ghazi Ismail	minister / chargé d'affaires	public health and housing
27	Abdurrahman al Qallam	minister / chargé d'affaires	endowment and religious guidance
28	Abdullah Ali al A'nsi	minister / chargé d'affaires	transport
29	Ibrahim al Hamdi	minister / chargé d'affaires	diaspora
30	Issam Assanini	minister / chargé d'affaires	tourism
31	Adil Dhamran	minister / chargé d'affaires	energy and electricity
32	Mohamed Shamsan	minister / chargé d'affaires	water and forestry
33	Ali Abdullah al Fadil	minister / chargé d'affaires	agriculture and irrigation

Annex 6: Supreme security committee and security and military committee

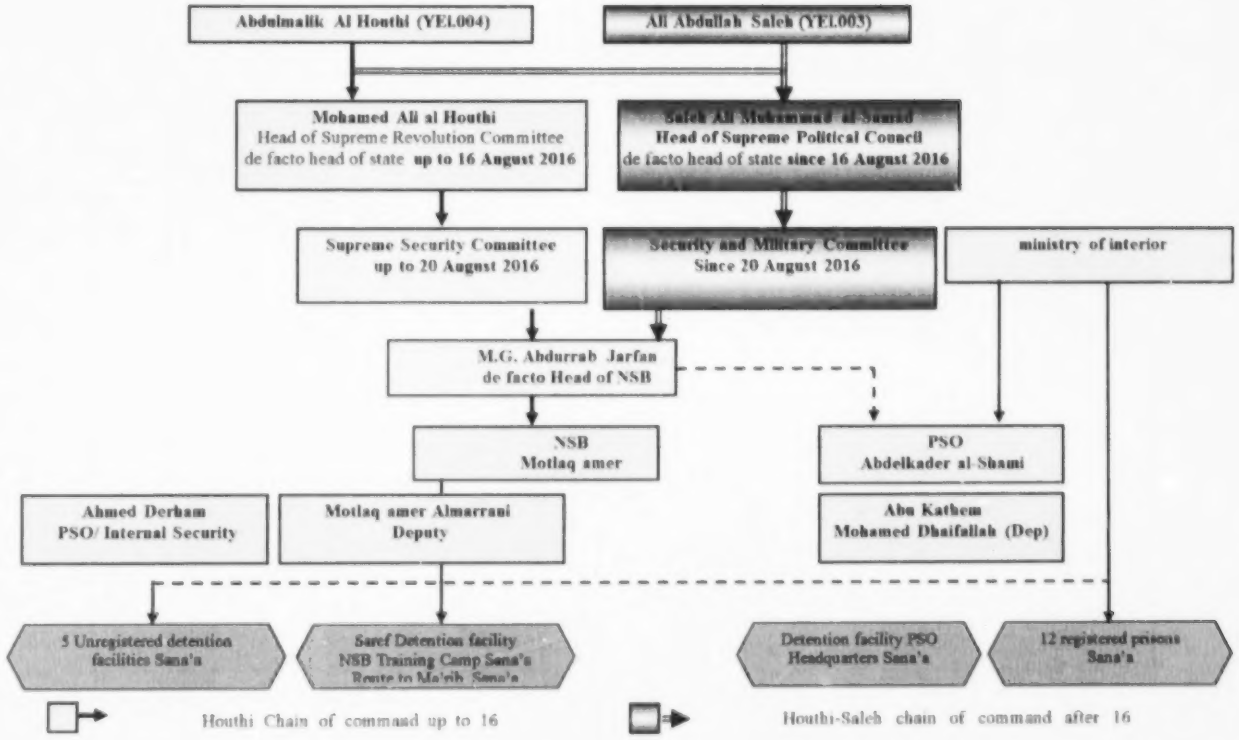
1. The Houthis established a supreme security committee on 7 February 2016, which initially comprised 17 members. A number of members left the country with some joining President Hadi. Major General Abderaqib Thabit Assoubaihi, the then Minster of Defence under President Hadi who initially chaired the supreme security committee, escaped Sana'a and the legitimate Government in Aden. He was then subsequently arrested by the Houthis and remained incommunicado as at 2 January 2017.

2. On 20 August 2016, the supreme political council (SPC) appointed a security and military committee to replace the supreme security committee. Only Major General Jalal Al Rowayshan the acting minister of interior, Major General Hussain Khairan, the acting minster of defence, Major General Zakaria Yahya Mohammed Al-Shami the acting Chief of Staff of the Yemeni Armed Forces in areas controlled by the Houthis and Major General Abdurrab Saleh Ahmed Jarfan continued on to also become members of the security and military committee.

Table 6.1
List of the SSC and SMC (English)

Serial	Supreme security committee Appointed on 7 February 2016	Security and military committee Appointed on 20 August 2016
1	Major General Jalal Al Rowayshan	
2	Major General Hussain Khairan	
3	Major General Zakaria Yahya Mohammed Al-Shami	
4	Major General Abdurrab Saleh Ahmed Jarfan	
	Appointment Terminated	
5	Yussef Hassan Ismail Al Madani	
6	Abdullah Yahya Abdullah Al Hakim	
7	Taha Hassan Al Madani	
8	Abderrazak Al Marouni	
9	Awad Ben Farid	
10	Abderaqib Thabit Assoubaihi	
11	Ali Ben Ali Al Jaifi	
12	Abdullah Mohnif	
13	Ahmed Mohsin Al Yafai	
14	Mohamed Daifallah Saleh Sabhan	
15	Mohammed Abdulkarim Al Ghumari	
16	Hamoud Khaled Al Soufi **	
17	Ali Hassan Al Ahmadi **	
	** Discontinued their membership and left Yemen	**New appointments**
18		Abdulkarim Amir Eddine Al Houthi
19		Abdulkader Kassem Al-Shami
20		Abdullah Al Qawssi
21		Ahmed Naji Mane'a
22		Abdulhakim Hashem Al Khiwani
23		Brigadier General Said Mohammed Al Hariri
24		Brigadier General Ahmed Adhufaif
25		Asa'ad Hadi Asa'ad
26		Hassan Salah Al Marrani

Annex 7: Structure of the intelligence and security services controlled by the Houthis



Annex 8: Supreme political council [5]

Table 8.1
Supreme political council

Ser	*Name*	*Position*	*Affiliation*
1	Salih Ali Muhammad al-Samad[6]	president	Houthi
2	Qasim Muhammad Ghalib Labuzah[7]	vice president	Saleh
3	Sadiq Amin Abu Ras[8]	member	Saleh
4	Yusif Husayn Abdullah al-Fayshi[9]	member	Houthi
5	Khali Said Muhammad al-Dayani[10]	member	Saleh
6	Muhammad Saleh Mabkhut al-Nuaymi[11]	member	Houthi
7	Jabir Abdullah Ghalib al-Wahabani[12]	member	Saleh
8	Sultan Ahmed Abd al-Rabb Mujahid al-Samai[13]	member	Houthi
9	Nasir Nasir Abdullah al-Nasiri[14]	member	Saleh
10	Mubarak Salih al-Mashin al-Zayadi[15]	member (Deceased)	Saleh

[5] Established 15 August 2016.
[6] Salih Ali Muhammad al-Samad is the head of Ansar Allah's Political Bureau.
[7] Qasim Muhammad Ghalib Labuzah is the head of the GPC in Lahj. He holds a Ph.D and participated in the National Dialogue.
[8] Sadiq Amin Abu Ras is a tribal shaykh from Dhu Husayn of the Bakil tribal confederation. He is the Deputy Head of the GPC and was next to Ali Abdullah Saleh (YE1.003) on 3 June 2011 when the mosque inside the presidential palace was bombed in an attempted assassination.
[9] Yusif Abdullah Husayn al-Fayshi is a former member of the Houthi's now disbanded Revolutionary Committee. al-Fayshi stood behind al-Samad when the latter signed the agreement establishing the Houthi-Saleh Political Council on 28 July 2016.
[10] Khalid Said Muhammad al-Dayani is a member of the GPC and a former Governor of Hadramawt.
[11] Muhammad Saleh Mabkhut al-Nuaymi is the pro-Houthi head of the Political Bureau for the Union of Popular Yemeni Forces.
[12] Jabir Abdullah Ghalib al-Wahabani is a member of Yemen's parliament and heads the pro-Saleh GPC in Ta'izz.
[13] Sultan Ahmad Abd al-Rabb Mujahid al-Samai is from Ta'izz.
[14] Nasir Nasir Abdullah al-Nasiri is from Dhamar.
[15] Mubarak Salih al-Mashin al-Zayadi was a military commander from the al-Zayadi tribe in Ma'rib. The Houthis appointed him to command the 3rd military district, centred in Ma'rib and he was active in the fighting in Sirwah. He was killed on 8 October 2016 in a Saudi Arabia-led coalition strike on the al-Sala al-Kubra Funeral Hall in Sana'a. The Panel is unaware of his replacement.

Annex 9: Government of national salvation since 28 November 2016

1. On 28 November 2016, the SPC appointed the "government of national salvation" under decree 56(2016), which consists of a cabinet of 42 members headed by Abulaziz Sale bin Habtour, a GPC member. The cabinet contains thirteen members affiliated to GPC. The Panel notes that only five members of the outgoing acting government were renamed in the new cabinet. Two Major Generals with an active role in Houthi military operations were named ministers: 1) Major General Zakaria Yahya Mohammed Al-Shami, the chief of staff of the armed forces affiliated to the Houthis, also a member of the military and security committee, was appointed as minister of transportation and 2) Major General Mohamed Nasser al A'tifi[16] was appointed minister of defence.

2. Fares Mohamed Mana'a (SOi.008), who was designated on 12 April 2010 by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, who was previously governor of Sa'dah under the Houthis between 2012 and 2014, was appointed as minister of state.

Figure 9.1
Members of the government of national salvation appointed in 28 November 2016

[16] He commanded the group of ballistic missile brigades since at least 2012. He is a well-known professional officer from the Khawlan tribe who has recently been praised several times by Abdulmalik al Houthi (YEi.004) for the ingenuity of the ballistic missile units.

Figure 9.2
Prime Minister Abulaziz Sale bin Habtour

Figure 9.3
Extract from official webpage of the prime ministry

قرار رئيس المجلس السياسي الأعلى رقم (56) لسنة 2016م

بشأن تشكيل حكومة الإنقاذ الوطني وتسمية أعضائها

رئيس المجلس السياسي الأعلى:

بعد الإطلاع على دستور الجمهورية اليمنية

وعلى الاتفاق السياسي الموقع بتاريخ 28/7/2016م بين أنصار الله ومكتلهم والمؤتمر الشعبي العام وحلفائه

وعلى الإعلان الصادر بتاريخ 6/8/2016م بتشكيل المجلس السياسي الأعلى

وعلى قرار رئيس المجلس السياسي الأعلى رقم (1) بشأن تحديد مهام المجلس واختصاصاته

وعلى قرار رئيس المجلس السياسي الأعلى رقم (18) لسنة 2016م بشأن تكليف الدكتور عبدالعزيز صالح بن حبتور بتشكيل حكومة الإنقاذ وطني

وبناءً على ترشيح المؤتمر الشعبي العام وحلفائه وأنصار الله ومكتلهم

وبعد موافقة المجلس السياسي الأعلى

قـــرر:

مادة (1): تشكل حكومة الإنقاذ الوطني على النحو التالي:

1. أ. عبدالعزيز صالح بن حبتور رئيساً لمجلس

Source: http://www.yemen.gov.ye/portal/gov/الحكومةالحالية/tabid/984/Default.aspx.

Translation:

Decree of the supreme political council 56 of 2016

../..

Article (1): the government of the national salvation comprises as follow:

1. Abdulaziz Saleh bin Habtour, prime minister;

../..

Table 9.1
List of the acting council of government up to 28 November 2016 (English)

Ser	*Name*	*Cabinet rank*	*Position of responsibility*
1	Abdulaziz Saleh bin Habtour [GPC]	prime minister	head
2	Hussein Abdullah Maqholi	deputy prime minister	economic affairs
3	Akram Abdullah A'tta	deputy prime minister	internal affairs
4	Major General Jalal Ali Al Rowayshan	deputy prime minister	security affairs
5	Major General Mohamed Nasser al A'tifi [GPC]	minister	defence[17]
6	Ali ben Ali Alqissi [GPC]	minister	local administration
7	Ahmed Abdullah A'qabat	minister	justice
8	Saleh Ahmed Sha'ban	minister	finance
9	Talal Abdelkarim A'qlan	minister	civil service and insurance
10	Major General Mohamed Abdullah al Qawsi [GPC]	minister	interior
11	Alia'a Faissal Abdullatid Asha'bi	minister	human rights
12	Yasser Ahmed al A'wadi [GPC]	minister	planning and international cooperation[18]
13	Major General Zakaria Yahya Al-Shami	minister	transport[19]
14	Ahmed Mohamed Hamed	minister	social affairs and labour[20]
15	Yahya Badreddine al Houthi	minister	information
16	Husein Ali Hazeb [GPC]	minister	education[21]
17	Mohsen Ali Annaqib [GPC]	minister	tertiary education and research
18	Abdurrahman Ahmed al Mokhtar	minister	technical education and professional training
19	Hassan Mohamed Zaid	minister	legal affairs[22]
20	Mohamed Mohamed al Zubairi	minister of state	member of the council of ministers[23]
21	Hisham Sharaf Abdullah [GPC]	minister	fisheries
22	Nabil Abdullah al Wazir	minister	foreign affairs
23	Dhiab Mohsen ben Ma'ili	minister	water and environment
24	Lotf Ali al Jarmouzi	minister	oil and mineral resources
25	Sharaf Ali al Qallissi [GPC]	minister	electricity and energy
26	Abdu Mohamed Bashar	minister	endowments and religious guidance

[17] Commander, ballistic missile brigades since 2012.
[18] Member of GPC negotiation team for the talks.
[19] De facto chief of staff armed forces, member of the military and security committee.
[20] Member of GPC negotiation team for the talks.
[21] Half brother of Abdulmalik Al Houthi (YEi.004) and was living in Germany until mid 2016.
[22] Was charge d'affaires in the same ministry under the SRC.
[23] Ibid.

Ser	*Name*	*Cabinet rank*	*Position of responsibility*
27	Jlidan Mohamed Jlidan [GPC]	minister	trade and industry
28	Ghazi Ahmed Mohsen	minister	communications and information technology
29	Nasser Mafoudh Baqazquz	minister	agriculture and irrigation
30	Mohamed Salim ben Hafidh	minister	tourism
31	Ahmed Saleh al Qana'a	minister	public health and population
32	Abdullah Ahmed al Kebsi [GPC]	minister	implementation of the NDC outcomes
33	Ghaleb Abdullah Motlaq	minister	reconciliation
34	Mohamed Said al Mashjari	minister	culture
35	Ali Abdullah Abu Haliqa	minister	general and roads[24]
36	Fares Mohamed Hassan Mana'a	minister of state	diaspora
37	Nabih Mohsen Abu Nashtan	minister of state	house of representatives and al shoura affairs[25]
38	Radiah Mohamed Abdullah	minister of state	
39	Obeid Saleh ben Dobai'a	minister of state	
40	Hamed Awadh al Mazjaji	minister of state	
41	Abdulaziz Ahmed al Bakir [GPC]	minister of state	
42	Ahmed Abdullah A'qabat	minister of state	

([GPC] Member of GPC)

[24] Minister of state for the implementation of NDC outcomes under the SRC.

[25] He is under asset freeze and travel ban measures since 12 April 2010 (SOi.008) by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea.

Annex 10: Houthi negotiation team visits to Baghdad, Iraq and Beijing, China

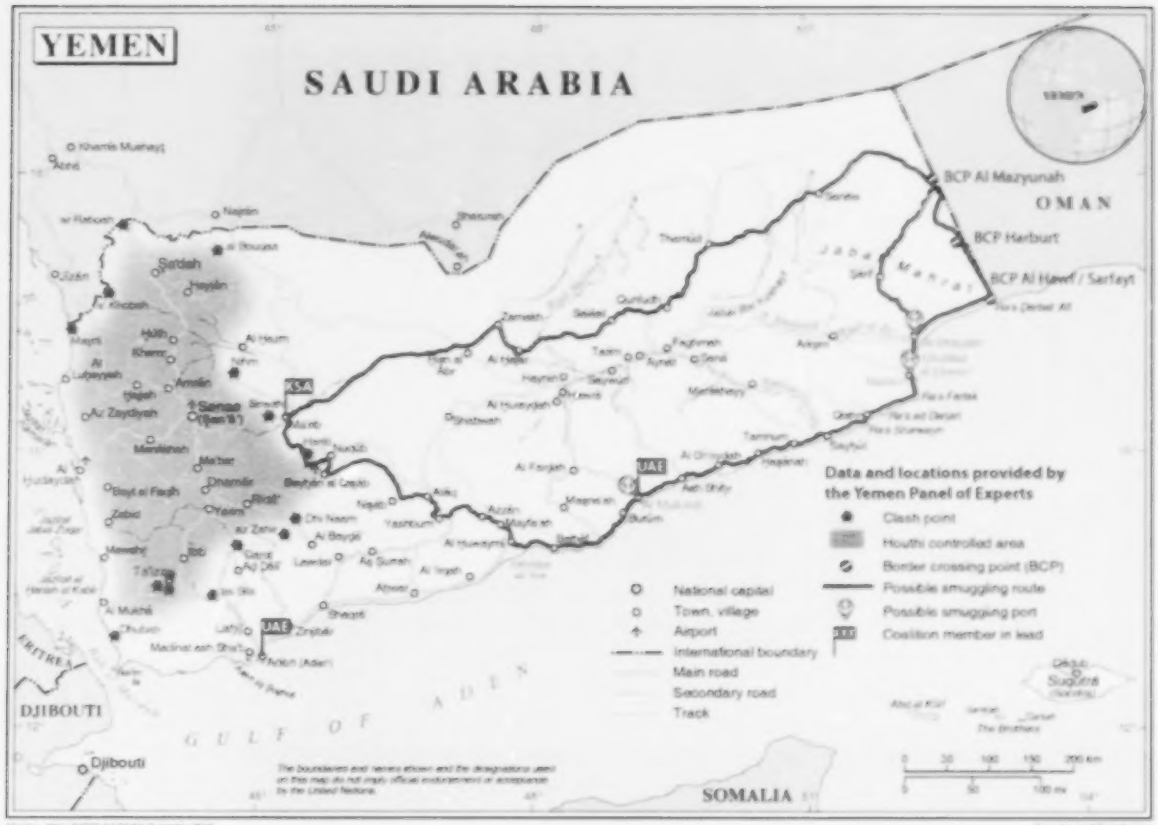
Figure 10.1
Houthi negotiation team

(Left to Right): **(5) Mohamed Abdusalam Salah Fletah**, (6) Haider Al-Abadi, Prime Minister of Iraq, **(7) Yahya al Houthi**, **(8) Mahdi Mohammed Hussein al-Mashaat**, **(9) Hamza al Houthi**, during visit to Baghdad (28 to 31 August 2016).

Figure 10.2
Houthi team China visit (20 November 2016)

(Left to Right): Hamza al Houthi, Mohamed Abdusalam Salah Fletah, Mahdi Mohammed Hussein al-Mashaat during a visit to Beijing on 30 November 2016.

Annex 11: Conflict map



Data and location source: Panel of Experts for Yemen, United Nations Security Council Sanctions Committee

Annex 12: Activity along the border between Oman and Yemen

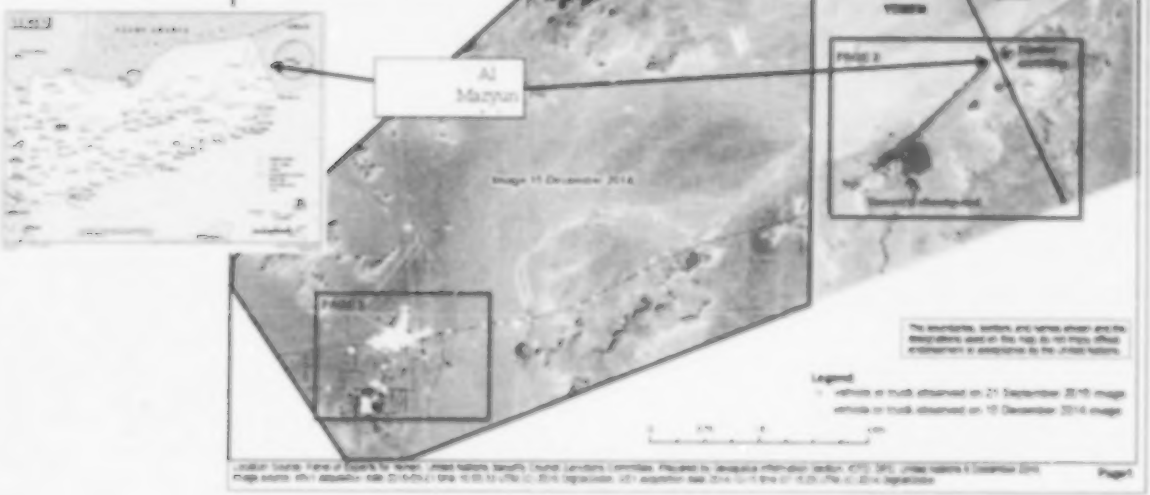
1. The Panel received from confidential official sources within the coalition indications of Omani support to the Houthi-Saleh alliance designed to sustain their fighting capability. The Panel learned that battle-winning weapons such as anti-tank guided weapons (ATGW) and other military equipment are transited through Oman before finishing in the hands of smuggling networks associated with Ali Abdullah Saleh in al Mahrah. The weapons are then shipped across the land smuggling route to the Houthis.

2. Following a number of arms seizures between Eastern Yemen and Ma'rib, the Panel analysed commercially available satellite imagery of the area in order to examine the border crossing point (BCP) between al Mazyunah in Oman and Ashehn in Yemen. On the date when imagery was available (21 September 2016) the BCP was very active with several hundreds of trucks parked awaiting crossing.

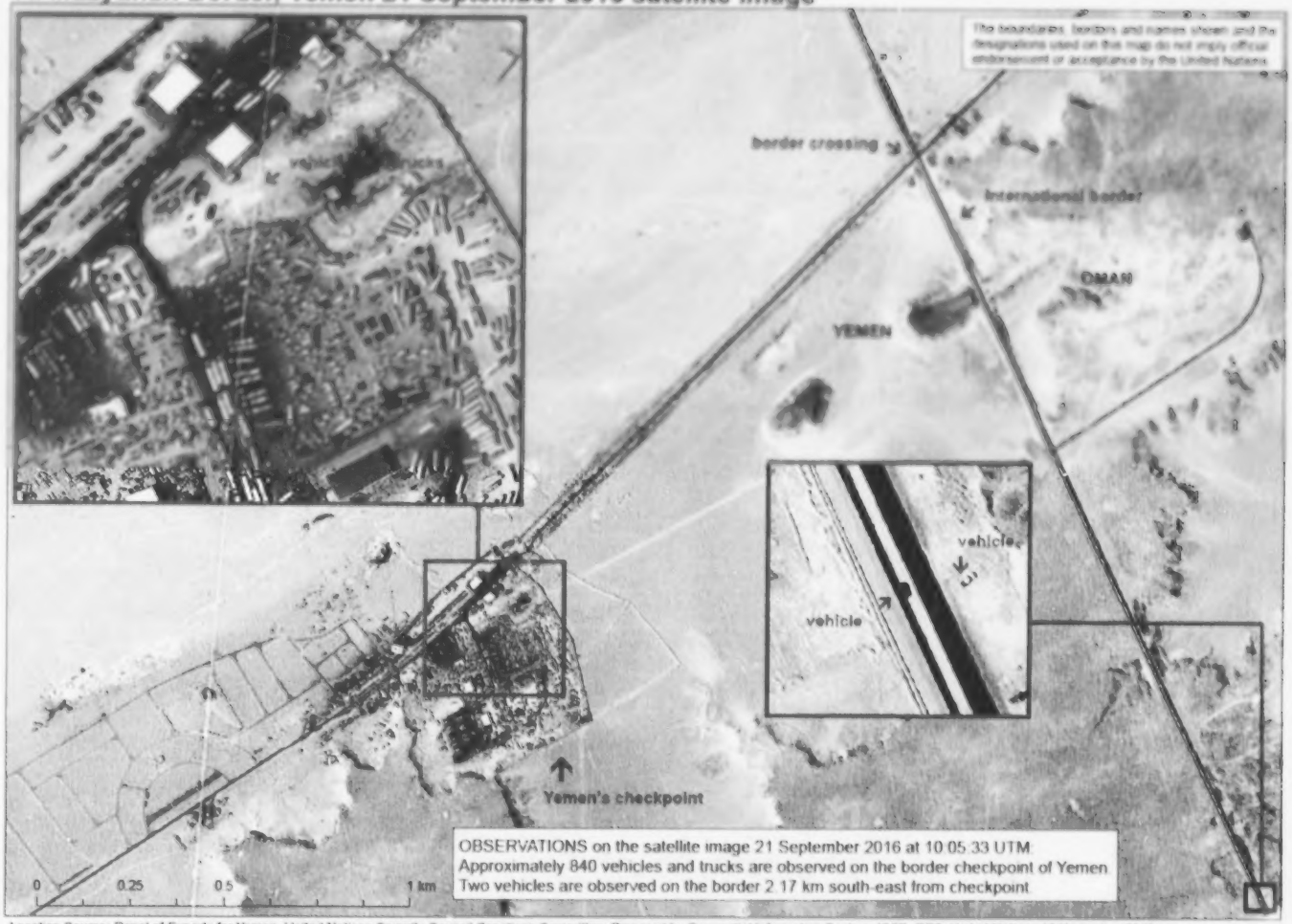
3. The Panel received information that the Government of Yemen does not fully control this BCP and that it was the main smuggling point in the area. Although the 137th Infantry Brigade is responsible for security in that area, its Commander and other senior security officials in the Mahrah Governorate administration are supporters of Ali Abdullah Saleh (YEi.003).

4. The Panel sent a letter to the Government of Oman requesting a visit to al Mazyunah. Oman subsequently verbally informed the Panel that a visit to al Mazyunah could not be arranged.

Al Mazyunah Border, Yemen. 15 December 2014 and 21 September 2016 satellite images



Al Mazyunah Border, Yemen 21 September 2016 satellite image


The boundaries, borders and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
border crossing
International border
OMAN
YEMEN
vehicle
vehicle
Yemen's checkpoint
OBSERVATIONS on the satellite image 21 September 2016 at 10:05:33 UTM
Approximately 840 vehicles and trucks are observed on the border checkpoint of Yemen
Two vehicles are observed on the border 2.17 km south-east from checkpoint
0
0.25
0.5
1 km

Location Source: Panel of Experts for Yemen, United Nations Security Council Sanctions Committee. Prepared by Geospatial Information Section, ICTD, DFS, United Nations 16 November 2016
Image source: WV1 acquisition date 2016-09-21 time 10:05:33 UTM (C) 2016 DigitalGlobe

Page2

Al Mazyunah Border, Yemen 15 December 2014 satellite image

OBSERVATIONS on the satellite image 21 September 2016 at 10:05:33 UTM
Approximately 700 vehicles and trucks were observed in the close proximity to the Yemeni's checkpoint on 15 December 2014 image
0
0.25
0.5
1 km

Location Source: Panel of Experts for Yemen, United Nations Security Council Sanctions Committee. Prepared by Geospatial Information Section, ICTD, DFS, United Nations 12 December 2016
Image source: GE1 acquisition date 2014-12-15 time 07:15:29 UTM (C) 2014 DigitalGlobe

Page3

Annex 13: Maritime attack against the SWIFT-1 High Speed Vessel (HSV)

1. The attack on the United Arab Emirates' flagged vessel SWIFT-1 on 1 October 2016 was investigated by the Panel as a potential threat to the peace and security of Yemen. The use of anti-shipping missiles in the Strait of Bab al-Mandab and the Red Sea has the potential to affect the security of maritime navigation and commercial shipping and thus jeopardize the delivery of humanitarian assistance to Yemen by sea, in violation of paragraph 19 of resolution 2216 (2015). Also, any attack on a civilian ship carrying humanitarian assistance is likely to be a violation of international humanitarian law (IHL).

A. Introduction

2. IHS Maritime data[26] shows that the SWIFT-1[27] stopped transmitting its automatic identification signal (AIS) a few seconds past midnight on the night of 30 September / 1 October 2016. Immediately prior to this the vessel was at a position 13°05'03"N, 43°06'51"E travelling on a course of 335° at a speed of 10.4 knots (see figure 13.1). Although the vessel was only 10.5 nautical miles from the Yemeni coast, and thus within Yemen's territorial waters, it was exercising its 'right of transit passage'[28] through the Strait of Bab al-Mandab international shipping lane. The vessel was in transit from Aden, Yemen to Assab, Eritrea at the time of the attack.

Figure 13.1
Last reported AIS position for SWIFT-1[29]

B. SWIFT-1 background, operations and IHL

3. The SWIFT-1 was taken on long-term lease hire, from the original manufacturer, Incat[30] of Australia, by the National Marine Dredging Company of the United Arab Emirates (UAE) in July 2015.

4. A statement by the UAE on 5 October 2016 stated that the vessel was unarmed, had no military protection, and was carrying humanitarian assistance, wounded Yemenis and passengers. "In more than a year of operating routine journeys to Aden, the civilian ship has carried thousands of tonnes of humanitarian assistance and more than 1,000 wounded people, along with their companions, in addition to large equipment for the electricity, water and healthcare

[26] http://maritime.ihs.com/
[27] Identification data. IMO 9283928 / MMSI 470149000.
[28] In accordance with Articles 38 and 39 of Part III of the UN Convention on the Law of the Sea (UN CONLAS).
[29] Image developed by Panel. Location from www.maritime.ihs.com database.
[30] http://www.incat.com.au/

sectors which had significantly eased the suffering of the residents of Aden through the restoration of the infrastructure in these vital sectors".[31]

5. The Panel has so far been unable to corroborate this statement by the UAE, and is unconvinced of its veracity for the following reasons:

(a) Data on one of the leading maritime traffic databases[32] shows that the SWIFT-1 was in Port Rashid, UAE on 29 November 2015. Its next recorded movement, according to the vessel's satellite based Automatic Identification System (AIS) was to Abu Dhabi, via Jebel Ali, on 25 May 2016. The first AIS recorded voyage to Aden was on 15 June 2016. Since 15 June 2016 the AIS shows that, with exception of four voyages to Al Mukalla, the vessel made 36 regular and routine direct voyages from Assab, Eritrea to Aden and return. This voyage pattern does not support a claim that it had been engaged in the delivery of humanitarian aid for "more than a year". The Somalia and Eritrea Committee Monitoring Group (SEMG) recently reported that "regular movement of particular naval vessels, including the SWIFT-1" was an indicator that the UAE were transporting military personnel from Assab, Eritrea to Aden.[33] The Panel has identified from satellite imagery the presence of a UAE Navy Baynunah Class corvette in Assab Port,[34] unidentified military transport aircraft and helicopters at Assab airport[35] and the development of a military port at Assab airport.[36] Whilst the Panel has established a UAE military presence in Assab, there is no public record of any humanitarian organization based in, or operating from, Assab providing large quantities of bilateral aid to Yemen;

(b) The Panel was also informed that the SWIFT-1 had not previously delivered any UN coordinated humanitarian aid to Aden.[37] This particular voyage was very unlikely to contain any humanitarian aid to Yemen as the vessel was en route to Assab from Aden. The Panel wrote to the UAE on 4 October 2016 requesting details of the role of the vessel and the nature of the cargo and passengers relevant to humanitarian assistance to Yemen and is awaiting their response;

(c) Interviews with the crew of the vessel and open source media confirm that the only persons on board at the time of attack were the crew, who evacuated from the vessel with minimal injuries;[38]

(d) The vessel is not shown as having ever operated as part of the National Marine Dredging Company support fleet on their company website.[39] SWIFT-1 is classified as a Logistics Naval Vessel on the 'MarineTraffic' database,[40] and as a Military Vessel, now "retired from service" on the manufacturer's website;

(e) Although the vessel, a wave-piercing, aluminum-hulled, catamaran was originally designed and built to commercial standards, these included many military enhancements. For example, a helicopter flight deck, helicopter night landing capability, vehicle deck, small boat and unmanned vehicle launch and recovery capability, and a communications suite. The vessel also has four inbuilt gun mounts for 0.50" Heavy Machine Guns, although there is no evidence that any weapons were mounted at the time of the attack. It would be unusual to purchase, or lease, a vessel with these capabilities, for purely civilian purposes;

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[31] Statement of 5 October 2016.
[32] www.maritime.ihs.com.
[33] Paragraphs 31 - 35, S/2016/290. See "وصول القوات السودانية إلى عدن", Sky News Arabia, 17 October 2015. Available at www.youtube.com/watch?v=1Cs8eRuQfgw.
[34] Google Earth image dated 3 April 2016.
[35] Google Earth image dated 16 August 2016.
[36] Ibid.
[37] Two senior well-placed UN sources in Yemen.
[38] Confidential sources in contact with the crew.
[39] http://www.nmdc.com/site/fleet.
[40] http://www.marinetraffic.com/en/ais/details/ships/shipid:442881/mmsi:470149000/vessel:SWIFT.

(f) The vessel is painted Naval Grey, which is an unusual choice of colour for a civilian vessel. The manufacturer could have been painted the vessel in a more appropriate colour prior to delivery to the UAE in July 2015 if it was intended that the vessel be for purely civilian use;[41] and

(g) The vessel is insured as taking part in naval support operations.[42]

6. A ship that conducts military support operations may be considered as a military objective under principles of IHL.[43] At the time of attack and based on the above evidence, the Panel considers that the ship was operating directly to support the military efforts of one party of the conflict (the UAE). Thus, even with a civilian crew, the Panel finds that, based on the available evidence, the SWIFT-1 qualified as a military objective under IHL at the time of the attack.[44]

C. Weapon system used for the attack

7. The performance and capability of the weapon system used for the attack is important to know in terms of determining what threat there is to the security of maritime navigation and commercial shipping in the Red Sea and Strait of Bab al-Mandab. This performance and capability depends on the type of weapon system used, hence the Panels' interest in the type available to the Houthi-Saleh alliance.

8. The delivery of humanitarian assistance to Yemen by sea could be jeopardized unless the above threat is fully understood and negated. Similarly the costs of shipping insurance could rise to prohibitive levels dependent on the view of the threat taken by the major maritime insurance brokers, such as the London based International Group of Protection and Indemnity clubs[45] that insure approximately 90% of the worlds ocean-going shipping.

Analysis of the Anti-Ship Missile (ASM) threat

9. There have been numerous media reports of the Houthis claim that a C-802 anti-ship missile (ASM) was used for the attack. The Panel is unable as yet to verify this claim for the missile type, as no available information confirms that the Yemeni Navy ever possessed that particular ASM system.

10. The Panel has identified that the Yemeni Navy had an ASM capability prior to the current conflict. In November 1990 and January 1991 a Member State supplied the Yemeni Navy with two Tarantul (Molnya) Class corvettes each armed with four P-21 'Termit' (Styx-2) surface-to-surface missile launchers. The requirement to use liquid propellant for the sustain rocket motor in the Styx-2 missile, the age of the system, and all of the inherent hazards and complexities involved in preparing a missile for launch, means that this attack option is assessed by the Panel as being unrealistic.

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[41] http://www.incat.com.au/domino/incat/incatweb.nsf/0/76457AADD2C1A987CA2571AF0019EC66?OpenDocument.

[42] Confidential source.

[43] Customary IHL, which binds all parties to the conflict, including the UAE and the Houthi-Saleh alliance, reflects Article 52 (2) of the Additional Protocol I to the Geneva Conventions of 1949 in stating that: "In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage". (Rule 8 of Customary IHL Study of the International Committee of the Red Cross (ICRC)).

[44] Military objectives are legitimate targets under IHL (see Rule 7 of the ICRC study). Given that there was a civilian crew the Houthis were under an obligation to ensure that IHL principles of distinction, proportionality and precautions in attack are adhered to when carrying out the attack. The Panel does not have sufficient information to assess whether the Houthis conducted this military operation in accordance with IHL.

[45] http://www.igpandi.org.

11. In June 1995, another Member State supplied the Yemeni Navy with three 'Huangfen' (Type 021) (Osa I Type) fast attack craft (missile). Each was armed with four HY-2 (C-201) surface-to-surface missile launchers. Open source information also states that this Member State subsequently supplied YJ-8 (C-801) type missile launchers to the Yemeni Navy on an unknown date, possibly in June 2007.[46]

12. It is not known how many of these naval platforms were operational at the commencement of current hostilities in March 2015, nor how much they may have been subsequently degraded by Saudi Arabia-led coalition air strikes in support of the legitimate Government of Yemen.

13. Although the Panel is still investigating the type of ASM system that could have been used in this attack, it is highly probable that, based on known past procurement patterns, the ASM options most likely available to Houthi-Saleh forces are shown in table 13.1.

Table 13.1
Surface-to-surface ASM options and operational data

		Range (km)				
Ser	*ASM Type*	*Min*	*Max*	*Speed (m/s)*	*Explosive content (kg)*	*Remarks*[47]
1	HY-2 (C-201)		94.5	320	513+	Initially supplied in June 1995.
2	YJ-8 (C-801)	4.5	42.6	306	165	Reported as being supplied in 2006/2007.
3	C-802		120	306	165	Compatible with the C-801 launch system.
4	C-802A		180	306	165	
5	'Noor'		120	306	150	Compatible with the C-801 launch system. Member State copies of the C-802.
6	'Ghadar'		200		165	

14. The Panel was informed[48] that the ASM was a 'Noor', but has not provided any corroboratory evidence to support their claim. The source also claimed that the 'Noor' missile was an Iranian copy of the Chinese C-802, when in fact it is a copy of the Chinese C-801 system. The same source also claimed that all the old stocks of Yemeni Navy missiles had been destroyed, but this claim was also made for the land ballistic missile stocks; a claim events subsequently proved was optimistic. This all brings into question the credibility of the source, or their access to detailed technical information. Until the Panel can identify the type of missile and its original source of supply then a potential violation of the arms embargo cannot be ruled out.

15. The largest weapons system seen to date during an illicit maritime transfer by "stateless" dhows are anti-tank guided weapons (ATGW), which are significantly smaller than the above ASM types which are approximately 7.4m long.

[46] Member State June 2007 Report to the UN Register of Conventional Arms showed the supply of two missile systems.
[47] This does not imply that any of these Member States have acted in violation of the targeted arms embargo on Yemen imposed by resolution 2216 (2015) in regards to this incident.
[48] Confidential source from a member State of the Saudi Arabia-led coalition.

16. The Panel has consulted an independent naval weapons engineer.[49] His technical assessment is that the experience and skills necessary to adapt a ship based missile of the types at table 1 into a land deployable system would not be much beyond those necessary to maintain, service and operate it on the vessel. In which case, an ASM could have been taken from a naval vessel, or out of storage, and paired with the firing system by Houthi-Saleh personnel who gained experience with the system during their time in the Yemeni Navy.

17. It should be noted that in a 2 October 2016 speech, Abdulmalik Al-Houthi (YEi.004) praised the creativity and dedication of the missile force command, which was able to hit in the heart of the "invaders".[50]

18. If the Houthi and Saleh forces have access to ASM then this represents a significant increase in their technological and operational capability.

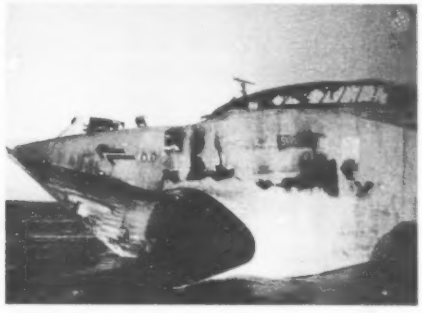
19. The damage to the vessel seen in the imagery at figures 13.2 to 13.5 are highly indicative of that caused by fire and not by an explosion. The damage to the starboard bow of the vessel was certainly caused by the impact of a missile, whilst that on the port amidships side of the vessel is highly indicative of the exit of a missile. The angle between the impact and entry point matches the known information relating to the vessels course and the most likely firing point (see figure 13.6 and later 13.7).

Figure 13.2
Impact point of ASM on Starboard Bow

Figure 13.3
Impact point of ASM on Starboard Bow

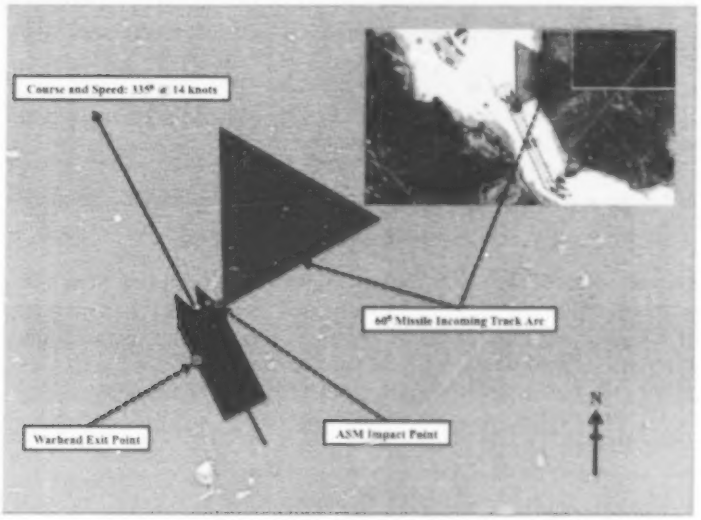
Figure 13.4
Exit point of ASM Port Midships

Figure 13.5
Fire damage to aluminium superstructure on Port Bow



[49] Lieutenant Commander (Retired) Colin Nicklas, BEng (Hons) MSc CEng MIET FCMI, Independent Engineering and Management Consultant.
[50] See https://www.youtube.com/watch?v=6qFnJsvoskE.

Figure 13.6
Triangulation of missile impact point, missile exit point, course of vessel and likely firing point area



20. There is no evidence of any warhead detonation of damage caused by high explosives on the SWIFT-1. The detonation of a typical ASM warhead of 165kg would have been devastating for this type of vessel. The vessel was hit after the missile had travelled approximately 20km; the range of a typical ASM being over 100km. This means that probably only 20% of the propellant of the rocket motor had been expended. On impact with the vessel, and penetration into the hull, the thin case of the rocket motor would have broken up distributing the remaining burning propellant widely throughout the deck level of impact. Such propellant burns fiercely, at a very high temperature, and would have been impossible to extinguish using the ships limited damage control system. It would not have helped that the vessel, being constructed of aluminium, was not designed to mitigate against this sort of thermal event. In effect an uncontrollable fire was initiated which could only be effectively fought with external assistance.

21. The warhead component of the missile could well have been travelling at over 200m/s (445mph/720kph), (66% of missile maximum velocity), after initial penetration of the hull as the resistance provided by the aluminium hull would not significantly have impeded its progress. It may have been slightly deflected off course, but it is unlikely it collided with any significant obstacle within the vessel as such a collision would have meant the unexploded warhead remaining within the ship, and there would be no port exit hole. This explains why the incoming missile track arc at figure 13.6 is not centralized on the likely firing point.

Analysis of Houthi released video imagery

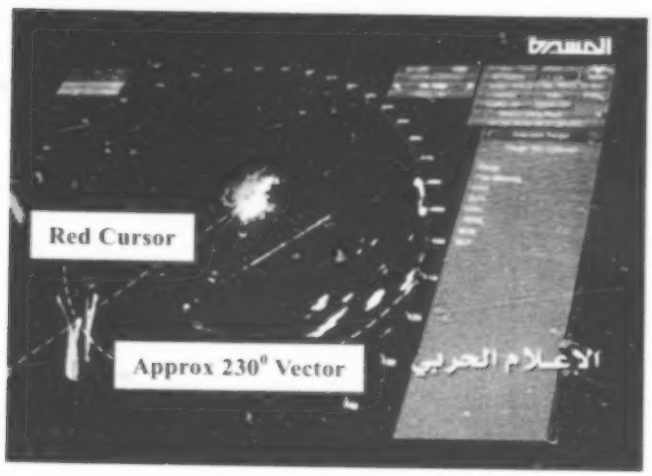
22. The Houthis have released video imagery[51] that they claim shows the ASM missile launch, and the SWIFT-1 then burning. The imagery certainly shows a burning vessel at sea being filmed from a moving small boat. The imagery quality is poor, but the Panel assesses that much of this imagery is credible based on:

(a) The imagery of the radar screen at the commencement of the video shows the red-crosshair cursor been moved over a radar image at a vector of approximately 230^0 (figure 13.7). This would equate to the flight vector of a missile been fired from the area of Al Mukha against a target in the area of the last known position of the SWIFT

[51] Al-Masirah TV.

(see figure 13.6). This level of detail is unlikely to have been included in the unsophisticated Houthi propaganda videos seen by the Panel to date;

Figure 13.7
Radar showing 220° vector



(b) The flight profile of the missile on launch, and immediately after, shows the initial climb and then reduction in altitude for sustained flight. This is an indicator of an ASM. Free flight rockets (FFR) or short-range ballistic missiles (SRBM) in the Houthi-Saleh forces arsenal do not have this distinctive flight profile. Thus it is unlikely to be stock Houthi footage of previous missile launches;

(c) The imagery of the missile launch shows what is almost certainly the launch booster motor been jettisoned and falling away from a missile. All of the ASM options at table 13.1 use a jettisoned launch booster motor. No other system known to have been in the possession of the Yemeni Armed Forces in March 2015 uses a jettisoned launch booster system; and

(d) A later segment shows a row of windows on the burning vessel that display very similar characteristics to those of the SWIFT-1, (figures 13.8 and 13.9).

Figure 13.8
SWIFT-1 windows and claimed Houthi image

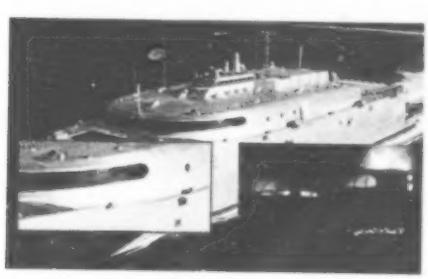


Figure 13.9
Houthi image showing window of burning vessel